

## **ORDINANCE NO. 2484**

**AN ORDINANCE OF THE CITY OF FREMONT, CALIFORNIA, ADOPTING AND AMENDING PORTIONS OF THE 2001 CALIFORNIA BUILDING STANDARDS CODE; REPEALING ORDINANCE NO. 2334; REPEALING TITLE VII, CHAPTER 2 (PLUMBING CODE); REPEALING TITLE VII, CHAPTER 4 (ELECTRICAL CODE); REPEALING TITLE VII, CHAPTER 1 (BUILDING CODE); ADDING CHAPTER 1 (FREMONT BUILDING STANDARDS CODE) TO TITLE VII; READOPTING AND AMENDING SECTION 7-1255 (BUILDING SECURITY) ADOPTED BY ORDINANCE 2334 AS TITLE VII, CHAPTER 2 (BUILDING SECURITY); READOPTING AND AMENDING SECTION 7-2250 (HOUSING CODE) ADOPTED BY ORDINANCE 2334 AS TITLE VII, CHAPTER 3 (FREMONT HOUSING CODE), SECTION 7-3112; READOPTING AND AMENDING SECTION 7-2255 (ABATEMENT OF DANGEROUS BUILDINGS) ADOPTED BY ORDINANCE 2334 AS TITLE VII, CHAPTER 4 (FREMONT ABATEMENT OF DANGEROUS BUILDINGS CODE), SECTION 7-4112**

---

The City Council of the City of Fremont does ordain as follows:

### **Section 1:**

Title VII (Building Regulations) of the Fremont Municipal Code is amended by repealing Chapter 2 (Plumbing Code) and repealing Chapter 4 (Electrical Code).

### **Section 2:**

Ordinance No. 2334 and all other ordinances or parts of ordinances in conflict with this Ordinance are repealed. Certain sections of Ordinance 2334 are readopted and renumbered without substantive changes as provided in sections 4, 5 and 6 of this Ordinance.

### **Section 3:**

Title VII of the Fremont Municipal Code is amended by repealing Chapter 1 (Building Code) and adding a new Chapter 1 (Fremont Building Standards Code) as follows. Articles 1 through 6 are added by this Ordinance.

## **CHAPTER 1. FREMONT BUILDING STANDARDS CODE**

- Art. 1: General Provisions
- Art. 2: Fremont Building Code
- Art. 3: Fremont Mechanical Code
- Art. 4: Fremont Plumbing Code
- Art. 5 Fremont Electrical Code
- Art. 6 Fremont Code for Building Conservation

## **ARTICLE 1. GENERAL PROVISIONS**

### **Sec. 7-1100 Title.**

This Chapter shall be known and may be cited as the “Fremont Building Standards Code” or “FBSC.” The Fremont Building Standards Code consists of the California Building

Standards Code, as codified in Title 24 of the California Code of Regulations, and as amended by this Chapter.

**Sec. 7-1110                      Permit Applications Pending As Of October 31, 2002.**

The provisions of Articles 2 through 7 shall take effect on November 1, 2002, except that where complete working drawings, plans, structural designs and specifications for buildings have been filed for building permits before this date, permits may be issued based on the previous ordinances and codes effective at the time of filing, and the applicant may proceed with the construction, provided physical construction is started within one hundred eighty (180) days from the date of issuing the permit and continued to completion. Where construction has not commenced within 180 days of the issuance of a building permit which has been issued under any previous ordinance, no renewal or extension of such building permits shall be granted unless all of the requirements of the 2001 California Building Standards Code, as amended by the City of Fremont, are met.

**Sec. 7-1114                      Findings.**

The City Council has made by resolution, express findings as required by section 17958.7 of the State of California Health and Safety Code that the modifications and changes to certain non-administrative provisions of the California Building Standards Code are necessary because of local climatic, geological and topographical conditions.

**Sec. 7-1116                      Violations.**

A violation of any provision or failing to comply with any mandatory requirement of this Chapter shall constitute an offense as set forth in Fremont Municipal Code section 1-3100. Each person, firm or corporation shall be charged with a separate offense for each and every day during any portion of which any violation of any of this Chapter is committed, continued, or permitted by the person, firm or corporation and shall, upon conviction, be punished as set forth in Fremont Municipal Code section 1-3101.

It is hereby declared that any violation of this Chapter constitutes a public nuisance, and in addition to any other remedies provided by this Chapter for the enforcement of this Chapter, the Fremont City Attorney may bring a civil suit to enjoin the violation of any provision of this Chapter.

**Sec. 7-1118                      Boards of Appeals.**

Where the provisions of this Chapter provide for a board of appeals, the board shall be composed of five members, in addition to the Building Official or Fire Chief as specified by the particular provision. The decisions of the board are final as to the City. The board is subject to the Uniform Regulations for Council established City Boards, Commissions, and Committees as provided in sections 2-3100 *et seq.* of the Fremont Municipal Code. The board shall have no authority relative to notices, orders, or citations issued under Fremont Municipal Code sections 1-3100 *et seq.*, 1-4100 *et seq.* or 4-9100 *et seq.*, and shall have no authority relative to interpretation of the administrative provisions of this Chapter nor shall the board be empowered to waive requirements of this Chapter.

**ARTICLE 2. FREMONT BUILDING CODE**

**Sec. 7-1200                      Title.**

This Article shall be known and may be cited as the “Fremont Building Code” or “FBC” and will be referred to in this Article as “this code.”

**Sec. 7-1210                      Adoption of the 2001 CBC With Amendments.**

Except as provided in this Article, the technical and administrative provisions of the 2001 California Building Code, codified in Title 24 of the California Code of Regulations, are adopted by reference and made a part of this Article as if fully set forth. A copy of 2001 CBC is on file in the office of the city clerk.

**Sec. 7-1212                      Adoption of Certain 2001 CBC Appendix Chapters.**

The following Appendix Chapters of the 2001 California Building Code are adopted by the City of Fremont. The remaining Appendix Chapters are not adopted.

Appendix Chapters 2, Division II

Appendix Chapter 4, Division I

Appendix Chapter 12, Division II and IIA

Appendix Chapter 15

Appendix Chapter 18

Appendix Chapter 31, Division II and III

**Sec.                                      7-1214                      Reserved.**

**Sec.                                      7-1220                      Amendments to 2001 CBC; numbering.**

The 2001 California Building Code is amended as provided in sections 7-1220.104 through 1220.3600. The number to the right of the decimal point in these sections is designed to correspond to the numbers of sections in the 2001 California Building Code that are modified by the City of Fremont.

**Sec. 7-1220.104                      Amendment of 2001 CBC 104 (Organization and Enforcement).**

*Section 104.2.8.3 of the 2001 California Building Code is amended by adding section 104.2.8.3 to read as follow:*

**104.2.8.3 Limits on repair/remodel for R-3 and U1 occupancies.** When the scope of work for R-3, single family dwelling and U-1, garage or storage, occupancies involves the removal or replacement of 50 percent or greater of the linear length of the walls of the building (exterior plus interior) and 50 percent of the roof within a one-year period, the project shall be considered as new construction; and the entire building shall comply with all current codes including local ordinances. For purpose of automatic fire extinguishing system

see section 904.2.2.

*Sections 104.2.11, 104.2.12 and 104.2.13 are added as follows:*

**104.2.11 Authority to Disconnect Utilities.** The building official or his or her authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever reasonably possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

**104.2.12 Authority to Condemn Building Service Equipment.** Whenever the building official ascertains that any building service equipment regulated in the technical codes has become hazardous to life, health, property, or becomes insanitary, he or she shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of the disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the technical codes and in violation of any notice issued pursuant to the provisions of this section, the building official may institute any appropriate action to prevent, restrain, correct or abate the violation.

**104.2.13 Connection After Order to Disconnect.** No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of the equipment.

**Sec. 7-1220.106      Amendment of 2001 CBC 106 (Permits).**

*Section 106.2, Item 2, of the 2001 California Building Code is amended to read as follows:*

2.      Fences not over 6 feet (1829 mm) high when not subject to specific City of Fremont Planning and Zoning regulations.

*Section 106.2, Item 5, of the 2001 California Building Code is amended by replacing Item 5 with the following:*

5. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding Class I, II or III-A liquids. Retaining walls in hillsides or retaining walls subject to City of Fremont Planning, Zoning, and Grading regulations or any other City Council resolutions are not subject to permit exemptions.

*Section 106.3.3 of the 2001 California Building Code is amended by adding a third paragraph to read as follows:*

Required Plat of Survey. Any person, firm or corporation applying for a permit for the erection or construction of a building or structure, or moving an existing building to a new location shall, when required by the building official, file with the set of plans and specifications required by the foregoing provisions of this section a minimum of three (3) copies of a plat of a survey of the property proposed to be improved by said building or structure, on which plat shall be delineated the accurate location of said proposed improvement and the grades at which it is to be constructed, the location of every existing building on the lot, the location of existing curbs, sidewalks, and main sewers and the location of waterways, storm drains, inlets, and culverts affecting the lot. Said plat shall be drawn to a scale of not smaller than twenty (20) feet to one (1) inch, unless authorized by the building official, and shall show the contours at one (1) foot intervals for predominant ground slopes between level and four (4) percent and five (5) foot contours for predominant ground slopes over four (4) percent which contours shall extend to the center of the street when said street is unimproved, or to the curb line when the street is improved. All grades and contours shall be based on United States Coast and Geodetic Survey datum (mean sea level) except when authorized otherwise by the building official. The survey shall have been made by a licensed land surveyor or registered civil engineer in the State of California and the map of said survey shall be signed and certified with their license or certificate number, and the property shall be located thereon by map or deed distance to the nearest street intersection. The exterior boundaries of said property shall be clearly outlined on the ground by appropriate permanent stakes or monuments. The location of said stakes or monuments shall be shown on the survey map with elevations thereon.

*Section 106.4.1 of the 2001 California Building Code is amended by adding a new sentence to the final paragraph to read as follows:*

Where issuance of a permit for the construction of part of a building or structure has been approved, the fees shall be established by a City of Fremont Fee Resolution as adopted by the City Council.

*Section 106.4.4 of the 2001 California Building Code is replaced to read as follows:*

Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The construction is deemed suspended or abandoned unless an inspection indicating substantial progress in construction has been requested every 180

days or sooner. Before work may resume on a construction project declared suspended or abandoned, a new permit first must be obtained. Where suspension or abandonment has not exceeded one year and no changes have been made or will be made to the original plans and specifications for the work, the renewal fee shall be one half the amount required for a new permit for the work. Otherwise, the renewal fee shall be the full amount required for a new permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to perform work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

**Sec. 7-1220.107      Amendment of 2001 CBC 107 (Fees and Plan Review).**

*Section 107.1 of the 2001 California Building Code is amended to read as follows:*

**107.1 General.** Building permit fees shall be as established by resolution of the City Council.

*Section 107.2 of the 2001 California Building Code is replaced to read as follows:*

**107.2 Permit Fees.** The fee for each permit shall be as set forth in the City of Fremont Fee Resolution as adopted and amended by the City Council.

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

For a partial plan review and/or partial building permit, the building permit valuation for the first permit shall be based on the total value of all construction work for the entire completed building, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevator, fire extinguishing systems and any other permanent equipment. The building and plan review fees for each subsequent partial permit shall be at the rate of 50 percent of the fee due for the value of the phase.

*Section 107.3 of the 2001 California Building Code is replaced to read as follows:*

When submittal documents are required by section 106.3.2, a plan review fee shall be paid at the time of submitting the documents for plan review. Said plan review fee shall be as established by resolution of the City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in section 107.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in section 106.3.4.2, an additional plan review fee shall be charged at the rate established by resolution of the City Council.

*Section 107.5.2 of the 2001 California Building Code is replaced to read as follows:*

**107.5.2 Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

*Section 107.6 of the 2001 California Building Code is amended by replacing the second paragraph with the following. The remainder of section 107.6 remains unchanged.*

When no work has been done under a permit issued in accordance with this code, the building official may authorize refunding a portion of the fee equal to 80 percent of the permit fee paid less the application fee.

**Sec. 7-1220.108      Amendment to 2001 CBC 108 (Inspections)**

*Section 108.4 of the 2001 California Building Code is changed by adding a third paragraph to read as follows:*

There shall be no clearance for connection of gas or electrical utilities until final building, electrical, plumbing, heating, air conditioning, security and zoning inspections are made and approval has been given on any building sought to be connected to such utilities unless approval has been first obtained from the building official, as provided by the Temporary Certificate of Occupancy in section 109.4.

**Sec. 7-1220.109      Amendment to 2001 CBC 109 (Certificate of Occupancy)**

*Section 109.2 (Change in Use) of the 2001 California Building Code is amended by adding a second paragraph to read as follows:*

Where a change in the existing occupancy classification is made, an inspection of the premises as deemed necessary by the building official to determine that the provisions of section 109.3 are met shall be made before issuance of said certificate. Said certificate of occupancy shall be obtained from the building official upon completion of an application for the certificate and the payment of a fee as established by resolution of the City Council.

*Section 109.3(Certificate Issues) of the 2001 California Building Code is replaced to read as follows:*

**109.3 Certificate issued** After final inspection when it is found that the building or structure complies with the provisions of this Code and other laws which are enforced by the City of Fremont, and, when required, the engineer or architect of record has stated in writing that based on field observation

conducted by him or her, or his or her designee, the building or structure is in general conformance with the approved plan, then the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building complies with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.

*Section 109.4 (Temporary Certificate) of the 2001 California Building Code is modified by adding second and third paragraphs as follows:*

An application for temporary certificate of occupancy must be filed, clearance for connection of the gas and electrical utilities must be obtained and the required fees as established in the City of Fremont Fee Resolution shall be paid.

In the event the building is not completed and ready for final inspection in the time prescribed by the building official, the building shall be vacated and the utilities disconnected until such time as the building is completed and final inspection is made and a certificate of occupancy is issued as set forth above.

*Section 109, Table 1-A—Building Permit Fees is deleted and section 109.10 is added as follows:*

**109.10 Building Permit Fees.** Building permit fees shall be as established by resolution of the city council.

**Sec. 7-1220.903      Amendment to 2001 CBC 903 (Definitions).**

*Section 903 of the 2001 California Building Code is amended by adding additional definitions as follows:*

“Current Code” means the edition of the California Building Standards Code published by the International Conference of Building Officials as adopted by the City of Fremont pursuant to section 18941.5 of the California Health and Safety Code. The edition to be applied shall be that edition in effect at the time damage occurs.

“Engineering Evaluation” means an evaluation of a suspected damaged building or structure, performed under the direction of a fire protection engineer, structural engineer, civil engineer or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with an appropriate estimate of the construction cost for those repairs.

“Essential Service Facility” means that building or structure which has been



designated by the City Council to house facilities which are necessary for emergency operations.

“Fire Protection Engineer” means an individual registered by the State of California to practice fire protection engineering and to use the title, Fire Protection Engineer, as defined in the State of California Business and Professions Code.

“Historic Building or Structure” means any structure included on the National Register of Historic Places, the state register of historic places or points of interest, or listed as a local primary historic resource.

“Replacement Value” means the dollar value, as determined by the building official based upon the square footage and the guidelines used in establishing the valuation of new construction, for replacing the damaged structure with a new structure of the same size, construction material and occupancy on the same site.

“Value of Repair” means the dollar value, as determined by the building official, of making the necessary repairs to a damaged structure.

**Sec. 7-1220.904      Amendment to 2001 CBC 904 (Fire-Extinguishing Systems).**

*Sections 904.2.2 through 904.2.9 of the 2001 California Building Code are deleted. For Fire Extinguishing Systems requirements see the Fremont Fire Code Amendments to 2001 California Fire Code sections 1003.2.2 through 1003.2.9. 2001 California Building Code sections 904.2.10 and 904.2.11 are adopted without change.*

*Section 904.3.1 of the 2001 California Building Code is replaced to read the same as section 1003.3.1 of the Fremont Fire Code.*

*Section 904.5.2 of the of 2001 California Building Code is amended as follows:*

**904.5.2 Where required.** Standpipe systems shall be provided as set forth in Table 1004-A, Standpipe Required Systems in the Fremont Fire Codes.

*Section 904.5 of the of 2001 California Building Code is amended by adding section 904.5.6 follows:*

**904.5.6.Standpipe outlets.** All Class I, II and III standpipe outlets in multi-storied buildings or buildings with basements shall be installed on intermediate landings between floors.

*Table 9-A of the 2001 California Building Code is revised to the read as table 1004-A of Fremont Fire Code.*

**Sec. 7-1220.1500      Amendment to 2001 CBC Chapter 15 (Roofing and Roof Structures) Tables.**

*Table 15-A (Minimum Roof Classes), of the 2001 California Building Code is amended by deleting and replacing occupancy groups U and R-3, construction types III, IV and V as follows:*

| TABLE NO. 15-A – MINIMUM ROOF CLASSES |      |      |      |   |      |   |      |      |   |
|---------------------------------------|------|------|------|---|------|---|------|------|---|
| Type of Construction                  |      |      |      |   |      |   |      |      |   |
| Occupancy                             | I    | II   |      |   | III  |   | IV   | V    |   |
|                                       | F.R. | F.R. | 1-HR | N | 1-HR | N | H.T. | 1-HR | N |
| U                                     | B    | B    | B    | B | C    | C | C    | C    | C |
| R-3                                   | B    | B    | B    | B | C    | C | C    | C    | C |

*Footnotes 3 and 4 to Table 15—A are deleted.*

*Footnotes 5 and 6 are added to Table 15—A as follows:*

Footnote 5. The roof covering for any buildings or structures located within the Hazardous Fire Area shall comply with Chapter 36 (Hazardous Fire Area) or TABLE 15-A, whichever is more restrictive.

Footnote 6. The roof covering for any buildings or structures shall comply with section 1503 or Table 15-A, whichever is more restrictive.

**Sec. 7-1220.1503      Amendment to 2001 CBC 1503 (Roofing Requirements).**

*Section 1503 of the 2001 California Building Code is amended by adding a third paragraph and two exceptions as follows. Sections 1503.1, 1503.2 and 1503.3 of the 2001 California Building Code are deleted.*

The installer of the roof covering shall provide certification of the roof covering classification to the building owner and to the City.

**EXCEPTIONS:**

1. The requirements of this section shall not apply to any building which is subject to addition, repair, alterations, roof installation, or replacement of less than 50% of the existing building's roof area over the life of the building commencing on or after the effective date of February 15, 1991.
2. Refer to section 106.2, Item 1, for accessory buildings.

**Sec. 7-1220.1600      Amendment to 2001 CBC Chapter 16 (Structural Design Requirements) Tables.**

*Table 16-N of the 2001 California Building Code is revised as follows:*

**TABLE 16-N – STRUCTURAL SYSTEMS<sup>1</sup>**

| BASIC STRUCTURAL SYSTEM <sup>2</sup> | LATERAL-FORCE-RESISTING SYSTEM DESCRIPTION | R | W. | HEIGHT LIMIT FOR SEISMIC ZONES 3 AND 4 (feet) |
|--------------------------------------|--|---|----|---|
|                                      |  |   |    | x 304.8 for mm                                |
|                                      |  |   |    |   |

|   |   |                                   |                  |                  |
|---|---|-----------------------------------|------------------|------------------|
| 1. Bearing wall system                  | 1. Light-framed walls with shear panels                             |                                   |                  |                  |
|   | a. Wood structural panel walls for structures three stories or less | 5.5                               | 2.8              | 65               |
|   | b. All other light-framed walls                                     | 4.5                               | 2.8              | 65               |
|   | 2. Shear walls  |                                   |                  |                  |
|   | a. Concrete   | 4.5                               | 2.8              | 160              |
|   | b. Masonry  | 4.5                               | 2.8              | 160              |
|   | 3. Light steel-framed bearing walls with tension-only bracing       | 2.8                               | 2.2              | 65               |
|   | 4. Braced frames where bracing carries gravity load                 |                                   |                  |                  |
|   | a. Steel  |                                   |                  |                  |
|   | b. Concrete <sup>3</sup>  | 4.4                               | 2.2              | 160              |
| 2. Building frame system                | c. Heavy timber   | 2.8                               | 2.2              | -                |
|   |   | 2.8                               | 2.2              | 65               |
|   | 1. Steel eccentrically braced frame (EBF)                           | 7.0                               | 2.8              | 240              |
|   | 2. Light-framed walls with shear panels.                            |                                   |                  |                  |
|   | a. Wood structural panel walls for structures three stories or less | 6.5                               | 2.8              | 65               |
|   | b. All other light-framed walls                                     | 5.0                               | 2.8              | 65               |
|   | 3. Shear walls  |                                   |                  |                  |
|   | a. Concrete   | 5.5                               | 2.8              | 240              |
|   | b. Masonry  | 5.5                               | 2.8              | 160              |
|   | 4. Ordinary braced frames   |                                   |                  |                  |
| 3. Moment-resisting frame system        | a. Steel <sup>6</sup>   | 5.6                               | 2                | 35 <sup>6</sup>  |
|   | b. Concrete <sup>3</sup>  | 5.6                               | 2.2              | -                |
|   | c. Heavy timber   | 5.6                               | 2.2              | 65               |
|   | 5. Special concentrically braced frames                             |                                   |                  |                  |
|   | a. Steel  | 6.4                               | 2.2              | 240              |
|   | 1. Special moment-resisting frame (SMRF)                            |                                   |                  |                  |
|   | a. Steel  | 8.5                               | 2.8              | N.L.             |
|   | b. Concrete <sup>4</sup>  | 8.5                               | 2.8              | N.L.             |
|   | 2. Masonry moment-resisting wall frame (MMRWF)                      | 6.5                               | 2.8              | 160              |
|   | 3. Concrete-Intermediate moment-resisting frame (IMRF) <sup>5</sup> |                                   |                  |                  |
| 4. Dual systems                         | a. Steel <sup>6</sup>   | 4.5                               | 2.8              | 35 <sup>6</sup>  |
|   | b. Concrete <sup>5</sup>  | 5.5                               | 2.8              | -                |
|   | 4. Ordinary moment-resisting frame (OMRF)                           |                                   |                  |                  |
|   | a. Steel <sup>6</sup>   | 3.5 <sup>6</sup>                  | 2.8 <sup>6</sup> | 160 <sup>6</sup> |
|   | b. Concrete <sup>2,8</sup>  | 3.5                               | 2.8              | -                |
|   | 5. Special truss moment frames of steel (STMF)                      | 6.5                               | 2.8              | 240              |
|   | 1. Shear walls  |                                   |                  |                  |
|   | a. Concrete with SMRF   | 8.5                               | 2.8              | N.L.             |
|   | b. Concrete with steel OMRF (Not Permitted)                         | 4.2                               | 2.8              | 160              |
|   | c. Concrete with concrete IMRF <sup>5</sup>                         | 6.5                               | 2.8              | 160              |
| 5. Cantilevered column building systems | d. Masonry with SMRF  | 5.5                               | 2.8              | 160              |
|   | e. Masonry with steel OMRF (Not Permitted)                          | 4.2                               | 2.8              | 160              |
|   | f. Masonry with concrete IMRF <sup>3</sup>                          | 4.2                               | 2.8              | -                |
|   | g. Masonry with masonry MMRWF                                       | 6.0                               | 2.8              | 160              |
|   | 2. Steel EBF  |                                   |                  |                  |
|   | a. With steel SMRF  | 8.5                               | 2.8              | N.L.             |
|   | b. With steel OMRF (Not Permitted)                                  | 4.2                               | 2.8              | 160              |
|   | 3. Ordinary braced frames (Not Permitted)                           |                                   |                  |                  |
|   | a. Steel with steel SMRF  | 6.5                               | 2.8              | N.L.             |
|   | b. Steel with steel OMRF  | 4.2                               | 2.8              | 160              |
| 6. Shear wall-frame interaction systems | c. Concrete with concrete SMRF <sup>3</sup>                         | 6.5                               | 2.8              | -                |
|   | d. Concrete with concrete IMRF <sup>3</sup>                         | 4.2                               | 2.8              | -                |
|   | 4. Special concentrically braced frames                             |                                   |                  |                  |
|   | a. Steel with steel SMRF  | 7.5                               | 2.8              | N.L.             |
|   | b. Steel with steel OMRF (Not Permitted)                            | 4.2                               | 2.8              | 160              |
|   | 5. Steel IMRF (Not permitted)                                       |                                   |                  |                  |
|   | 1. Cantilevered column elements                                     | 2.2                               | 2.0              | 35 <sup>7</sup>  |
|   | 1. Concrete <sup>8</sup>  | 5.5                               | 2.8              | 160              |
|   | 7. Undefined systems  | See section 1629.6.7 and 1629.9.2 | -                | -                |
|   |   | -                                 | -                | -                |

N.L.— no limit

<sup>1</sup> See section 1630.4 for combination of structural systems.

<sup>2</sup> Basic structural systems are defined in section 1629.6.

<sup>3</sup> Prohibited in Seismic Zones 3 and 4.

<sup>4</sup> Includes precast concrete conforming to section 1921.2.7.

<sup>5</sup> Prohibited in Seismic Zones 3 and 4, except as permitted in section 1634.2.

<sup>5</sup> Ordinary moment resisting frames in Seismic Zone 1 meeting the requirements of section 2214.6 may use a R value of 8 In Seismic Zone 4 Steel IMRF, OMRF and Ordinary Braced Frames are permitted as follows:

<sup>6.1a</sup> Steel IMRF are permitted for structural systems 35 feet or less in height and the dead load of the roof, walls or floors not exceeding 35 psf each; or for single-story buildings 60 feet or less in height with the dead load of the roof or walls not exceeding 15 psf each where the moment joints of field connections are constructed of bolted end plates; or single-family dwellings using light frame construction with  $R = 3.0$  and  $Q_s = 2.2$ .

<sup>6.2b</sup> Steel OMRF are permitted for buildings 35 ft or less in height with the dead load of the roof, walls or floors not exceeding 15 psf each; or single-story buildings 60 ft or less in height with the dead load of the roof or walls not exceeding 15 psf each and where the moment joints of field connections are constructed of bolted end plates

<sup>6.3c</sup> Steel Ordinary Braced Frames are permitted for structural systems 35 ft or less in height; or penthouse structures; or single-story buildings 60 ft or less in height with the dead load of the roof or walls not exceeding 15 psf each.

<sup>7</sup> Total height of the building including cantilevered columns.

<sup>8</sup> Prohibited in Seismic Zones 2A.

## Sec. 7-1220.1629 Amendment to 2001 CBC 1629 (A Seismic zone 4 near-source).

*Section 1629.4.2 Item 4 of the 2001 California Building Code is replaced to read as follows:*

4. The provisions in 9.6a and 9.6b of AISC Seismic Part I shall not apply, except for columns in one-story buildings or columns at the top story of multi-story buildings.

## Sec. 7-1220.1612 Amendment to 2001 CBC section 1612.

*Section 1612.21. of 2001 California Building Code is replaced to read as follows:*

**1612.2.1 Basic load combinations.** Where Load and Resistance Factor Design (Strength Design) is used, structures and all portions thereof shall resist the most critical effects from the following combinations of factored loads:

|  |        |
|--|--------|
| 1.4D   | (12-1) |
| 1.2D + 1.6L + 0.5 (L <sub>r</sub> or S)                        | (12-2) |
| 1.2D + 1.6 (L <sub>r</sub> or S) + (f <sub>1</sub> L or 0.8 W) | (12-3) |
| 1.2D + 1.3W + (f <sub>1</sub> L + 0.5 (L <sub>r</sub> or S)    | (12-4) |
| 1.2D ± 1.0E + (f <sub>1</sub> L + f <sub>2</sub> S)            | (12-5) |
| 0.9D ± (1.0E <sub>h</sub> or 1.3W)                             | (12-6) |

WHERE:

f<sub>1</sub> = 1.0 for floors in places of public assembly, for live loads in excess of 100 psf (4.9 kN/m<sup>2</sup>), and for garage live load.

= 0.5 for other live loads.

f<sub>2</sub> = 0.7 for roof configurations (such as saw tooth) that do not shed snow off the structure.

= 0.2 for other roof configurations.

EXCEPTIONS:

1. Factored load combinations for concrete per section 1909.2 where load combinations do not include seismic forces.

2. Where other factored load combinations are specifically required by the provisions of this code.

**Sec. 7-1220.1630      Amendment to 2001 CBC 1630** (Minimum Design Lateral Forces And Related Effects).

*Section 1630.8.2.2 of the 2001 California Building Code is amended to read as follows:*

**1630.8.2.2 Detailing requirements in Seismic Zones 3 and 4.** In Seismic Zones 3 and 4, elements supporting discontinuous systems shall meet the following detailing or member limitations:

1. Reinforced concrete or reinforced masonry elements designed primarily as axial-load members shall comply with section 1921.4.4.5.
2. Reinforced concrete elements designed primarily as flexural members and supporting other than light-frame wood shear wall systems or light-frame steel and wood structural panel shear wall systems shall comply with sections 1921.3.2 and 1921.3.3. Strength computations for portions of slabs designed as supporting elements shall include only those portions of the slab that comply with the requirements of these sections.
3. Masonry elements designed primarily as axial-load carrying members shall comply with sections 2106.1.12.4, Item 1, and 2108.2.6.2.6.
4. Masonry elements designed primarily as flexural members shall comply with section 2108.2.6.2.5.
5. Not Adopted.
6. Steel elements designed primarily as flexural members or trusses shall have bracing for both top and bottom beam flanges or chords at the location of the support of the discontinuous system and shall comply with the requirements of AISC-Seismic Part I, section 9.4b.

*The first paragraph in section 1630.10.2 of the 2001 California Building Code is revised to read as follows. The Exceptions remain unchanged.*

**1630.10.2 Calculated.** Calculated story drift using  $\delta_M$  shall not exceed 0.025 times the story height for structures having a fundamental period of less than 0.5 second. For structures having a fundamental period of 0.5 second or greater, the calculated story drift shall not exceed  $0.020/T^{1/3}$  times the story height.

*Section 1630.10.3 is revised to include errata issued on March 2001 and is to read as follows:*

**1630.10.3 Limitations.** The design lateral forces used to determine the calculated drift may disregard the limitations of Formula (30-6) and (30-7) (Errata Mar. 2001) and may be based on the period determined from Formula (30-10) neglecting the 30 or 40 percent limitations of section 1630.2.2, Item 2.

**Sec. 7-1220.1701      Amendment to 2001 CBC 1701** (Special Inspections).

*Section 1701.5 of the California Building Code is changed by adding Item 17 to read as follows:*

**17. Steel Lateral Force Resisting Systems.** In Seismic Zones 3 and 4, and in buildings in Seismic Zone No. 2 with an importance factor I greater than 1.0, welded joints in Special, Ordinary and Special Truss Moment Frames; in Special and Ordinary Concentrically Braced Frames, and in Eccentrically Braced Frames that are part of the Lateral Force Resisting System shall be inspected in accordance with AISC Seismic Part I section 16. In addition to Item 5.1 requirements, nondestructive testing shall be as required by section 1703 of this code.

**Sec. 7-1220.1702      Amendment to 2001 CBC 1702** (Structural Observations).

*Section 1702 of the 2001 California Building Code is amended by adding a new Item 6 and Exception to read as follows:*

6. Structural observation of the lateral system shall also be provided for all new commercial, industrial and multifamily buildings and all new single family dwellings on hillsides.

**EXCEPTION:**

Structural observation of the lateral system may be waived for one and two story wood residential structures when such structures are in full compliance with conventional design of Chapter 23 of the California Building Code.

*Section 1702 of the 2001 California Building Code is changed by adding an additional paragraph to the end of section 1702 to read as follows:*

The engineer or architect responsible for preparation of structural plans and specifications shall state in writing on the cover sheet or structural plan sheets that he or she has been retained to provide the above structural observation and provide periodic reports and a final report to the City.

**Sec. 7-1220.1703      Amendment to 2001 CBC 1703** (Nondestructive Testing).

*The first paragraph of section 1703 of the 2001 California Building Code is changed to read as follows. The remainder of section 1703 is to remain unchanged.*

In Seismic Zones 3 and 4, and in buildings in Seismic Zone No. 2 with an importance factor I greater than 1.0, all complete-joint-penetration groove and partial-joint-penetration groove welded joints in Special, Ordinary and Special Truss Moment Frames; in Special and Ordinary Concentrically Braced Frames, and in Eccentrically Braced Frames that are subject to net tensile forces as part of the Lateral Force Resisting System shall be tested in accordance with AISC Seismic Part I section 16. This testing shall be a part of the special inspection requirements of section 1701.5. A program for this testing shall be established by the person responsible for structural design and as shown on plans and specifications.

**Sec. 7-1220.1804      Amendment to 2001 CBC 1804** (Foundation Investigation).

*Section 1804.1 of the 2001 California Building Code is replaced to read as follows:*

**1804.1. General.** A civil engineer or geotechnical engineer licensed in California shall determine the classification of the soil for all building sites.

EXCEPTIONS: Following occupancies are exempt:

1. Group U occupancies;
2. Additions to existing Group R3 occupancies when total added floor area is less than 50% of existing floor area and the slope of the lot does not exceed 15%;
3. Addition to existing Group R3 occupancies when new foundation matches existing foundation. The applicant must provide construction document prior to issuance of the building permit to establish construction style of the existing footing;
4. A new soil report is not required when a soil report is available for the original construction of the existing structure and soil engineer allows extension of the existing report to the proposed addition construction.
5. Accessories and minor additions may be exempted by the building official.

*Section 1804.2 of the 2001 California Building Code is replaced to read as follows:*

**1804.2. Investigation** The investigation shall be based on observation and tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be necessary to evaluate soil strength, the effect of moisture variation on soil, bearing capacity, compressibility, liquefaction and expansiveness.

*Section 1804.3 of the 2001 California Building Code is changed by adding items 6 through 13 and a final paragraph to read as follows:*

6. Drainage and erosion control recommendations.
7. Minimum building setbacks to slope tops or toes.
8. Equivalent-fluid-density lateral loads used in design of retaining walls or basement walls.
9. Ground response evaluation by geologist licensed in California for:
  - a. Flexible structures located on site having soft to medium cohesionless soils in upper 50 feet and depth to bedrock is 400 feet or greater; and
  - b. Structures having irregular shapes, framing systems, or other unusual features as determined by the building official.
10. Liquefaction evaluation for the following uses:

- a. Subdivisions of Group R-3 occupancy having 100 units or more;
  - b. Apartment or condominium complexes of Group R-1 occupancy having 50 or more units;
  - c. Structure of four or more stories or over 35 feet high;
  - d. Commercial, industrial, and institutional projects having 250 occupants or more;
  - e. Essential facilities.
11. Slope stability evaluation in areas subject to localized or major landslides.
  12. Surface rupture evaluation by geologist licensed in California for all projects for human occupancy located within a Geologic Hazards Special Studies Zone, as mapped by the California Division of Mines and Geology.
  13. Soils report shall specify soil profile type according to section 1629.3.1 and Table 16-J of the California Building Code.

All site improvements shall be designed and constructed in accordance with the recommendations contained in the soil report.

*Section 1804 of the 2001 California Building Code is changed by adding new sections 1804.10, 1804.11 and 1804.12 to read as follows:*

**1804.10 Review.** Before issuing a permit for a building where soil and foundation investigation is required, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall state in writing (must be signed and stamped):

The plans and specifications substantially conform to the recommendations in the soil investigation.

The Geotechnical Engineer or Civil Engineer who prepared the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the city.

**1804.11. Field Report.** Before requesting a foundation inspection from the City, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall provide a written field report stating:

1. The building pad was prepared and compacted in accordance with the soil report and specification.
2. The foundation or pier excavation, depth, backfill materials, and drainage (if applicable), substantially conforms with the soil report and approved plans.

**1804.12 Final Report.** Before final inspection for any building or structure, the



Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading, drainage, and associated site work substantially conforms to the approved plans, specifications, and investigation.

**Sec. 7-1220.2204      Amendment to 2001 CBC 2204 (Design Methods).**

*Section 2204 of the 2001 California Building Code is replaced to read as follows:*

**2204. Design Methods.** Design shall be by one of the following methods:

**2204.1. Load and Resistance Factor Design.** Steel design based on load and resistance factor design methods shall resist the factored load combinations of section 1612.2 in accordance with the applicable requirements of section 2205.

**2204.2. Allowable Stress Design.** Steel design based on allowable stress design methods shall resist the factored load combinations of section 1612.3 in accordance with the applicable requirements of section 2205.

**Sec. 7-1220.2205      Amendment to 2001 CBC 2205 (Design and Construction Provisions).**

*Section 2205.3 of the 2001 California Building Code is replaced to read as follows:*

**2205.3. Seismic Design Provisions for Structural Steel** Steel structural elements that resist seismic forces shall, in addition to the requirements of section 2205.2, be designed in accordance with Division IV.

*Division IV and Division V of section 2205 of the 2001 California Building Code are deleted in their entirety and replaced with new Division IV to read as follows:*

**DIVISION IV — SEISMIC PROVISIONS FOR STRUCTURAL STEEL BUILDINGS**

Based on Seismic Provisions for Structural Steel Buildings, of the American Institute of Steel Construction Parts I and III, dated April 15, 1997 and Supplement No. 2, dated November 10, 2000.

**SECTION 2210 — ADOPTION**

Except for the modifications as set forth in sections 2211 and 2212 of this division and the requirements of the Building Code, the seismic design, fabrication, and erection of structural steel shall be in accordance with the *Seismic Provisions for Structural Steel Buildings*, April 15, 1997, published by the American Institute of Steel Construction, 1 East Wacker Drive, Suite 3100, Chicago, IL 60601, as if set out at length herein. The adoption of *Seismic Provisions for Structural Steel Buildings* in this Division, hereinafter referred to as AISC-Seismic, shall include Parts I (LRFD), and III (ASD) and Supplement No. 2, dated November 10, 2000.

Where other codes, standards, or specifications are referred to in this specification, they are to be considered as only an indication of an acceptable method or material that can be used with the approval of the building official.

## SECTION 2211 – DESIGN METHODS

When the load combinations from section 1612.2 for LRFD are used, structural steel buildings shall be designed in accordance with Chapter 22 Division II (AISC-LRFD) and Part I of AISC-Seismic as modified by this Division.

When the load combinations from section 1612.3 for ASD are used, structural steel buildings shall be designed in accordance with Chapter 22 Division III (AISC-ASD) and Part III of AISC-Seismic as modified by this Division.

## SECTION 2212 – AMENDMENTS

The AISC-Seismic adopted by this Division apply to the seismic design of structural steel members except as modified by this section.

The following terms that appear in AISC-Seismic shall be taken as indicated in the current California Building Code.

| <b>AISC-Seismic</b>                                   | <b>California Building Code</b>                    |
|---|--|
| Seismic Force Resisting System                        | Lateral Force Resisting System                     |
| Design Earthquake                                     | Design Basis Ground Motion                         |
| Load Combinations Eqs. (4-1) and (4-2)                | Chapter 16 Eqs. (12-17) and (12-18) respectively   |
| LRFD Specification section Eqs. (A4-1) through (A4-6) | Chapter 16 Eqs. (12-1) through (12-6) respectively |
| $\zeta_o Q_E$   | $E_m$  |

*Part I, Sec. 1. of the AISC Seismic Provisions is amended as follows:*

1. **SCOPE.** These provisions are intended for the design and construction of structural steel members and connections in the Seismic Force Resisting Systems in buildings for which the design forces resulting from earthquake motions have been determined on the basis of various levels of energy dissipation in the inelastic range of response. These provisions shall apply to buildings in Seismic Zone 2 with an importance factor  $I$  greater than one, in Seismic Zone 3 and 4 or when required by the Engineer of Record.

These provisions shall be applied in conjunction with, Chapter 22, Division II, hereinafter referred to as the LRFD Specification. All members and connections in the Lateral Force Resisting System shall have a design strength as provided in the LRFD Specification to resist load combinations 12-1 through 12-6 (in Chapter 16) and shall meet the requirements in these provisions.

Part I includes a Glossary, which is specifically applicable to this Part, and Appendix S.

*Part I, Sec. 4.1., first paragraph of the AISC Seismic Provisions is amended as follows:*

**4.1 Loads and Load Combinations.** The loads and load combinations shall

comply with section 1612.2 except as otherwise provided by this Article.

**Sec. 7-1220.2320      Amendment to 2001 CBC 2320** (Conventional Light-Frame Construction Design Provisions).

*Section 2320.11.3 of the California Building Code is modified by deleting item 5 and replacing item 7 to read as follows:*

7. Portland cement plaster on studs spaced 16 inches on center installed in accordance with Table No. 25-1. Limited to one story structure of R-3 and U-1 occupancies.

**Sec. 7-1220.2513      Amendment to 2001 CBC 2513** (Shear Resistant Construction With Wood Frame).

*Section 2513.1 of the 2001 California Building Code is amended by inserting a second paragraph to read as follows. The remainder of section 2513.1 remains unchanged.*

Cement plaster, gypsum lath and plaster, gypsum veneer base, gypsum sheathing board, and gypsum wallboard shall not be used as vertical or horizontal diaphragms in Seismic Zone 4 where the near fault factor exceeds 1.0. Exceptions may be granted by the building official on a case-by-case basis.

**Sec. 7-1220.3301      Amendment to 2001 CBC 3301** (Site Work, Demolition and Construction).

*The second paragraph of section 3301.1 of the 2001 California Building Code is amended to read as follows:*

Slopes for permanent fills shall not be steeper than 3 horizontal to 1 vertical. Cut slopes for permanent excavations shall not be steeper than 3 horizontal to 1 vertical unless substantiating data justifying steeper cut slopes is submitted. Deviation from the foregoing limitations for cut slopes shall be permitted only upon the presentation of a soils report acceptable to the building official.

*Section 3301.1 of the California Building Code is amended by adding a new paragraph to read as follows:*

Where cuts or fills are to be made as described above, pad elevation certification(s) will be required prior to foundation inspection. Required certification shall be made by a licensed land surveyor or registered civil engineer in the State of California.

**Sec. 7-1220.3401      Amendment to 2001 CBC 3401** (Existing Structures).

*Section 3403.1 of the California Building Code is changed by adding a second paragraph to read as follows:*

Additions, alterations or repairs to an existing building or structure which are located within the hazardous fire area shall comply with the requirements of FBC section 7-1220.3600.

**Sec. 7-1220.3405      Amendment to 2001 CBC 3405 (Change in Use).**

*Section 3405 of the California Building Code is changed by adding to the first paragraph as follows. The remainder of the section shall remain unchanged.*

This shall include changed sections of the Automatic Fire Extinguishing Systems requirements as specified in the local ordinance. An automatic fire extinguishing system shall be installed throughout the structure when the use or occupancy of the building or part of the building is changed such that the new use or occupancy is more hazardous based on life or fire risk.

**Sec. 7-1220.3600      Adding A New Chapter 36 (Hazard Fire Area) to 2001 CBC.**

*The 2001 California Building Code is amended by adding a new Chapter 36 that is adopted as local amendment as follows:*

**CHAPTER 36.  
HAZARDOUS FIRE AREA**

**3601. Restrictions.**

**3601.1. General.** Buildings or structures hereafter erected, constructed, altered, or moved within or into a hazardous fire area as defined in the California Fire Code shall comply with the following additional requirements.

**3601.2. Roof covering.** The roof covering of any new structure or the re-roofing of any existing building regardless of type or occupancy classification, shall be class A roofing assembly as defined in section 1504 of the 2001 California Building Code (CBC).

**EXCEPTIONS:**

1. The requirements of this section shall not apply to any roof installation, addition, repair, alteration or replacement of less than 50% of the existing building's roof area over the life of the building commencing on or after the effective date of February 15, 1991.
2. Existing structures which require more than 50% of a roof covering to be replaced and is constructed with less than class B roof assembly covering must be replaced with either Class A or B roofing assembly, however, existing Class A roofing assembly must be replaced with Class A roofing assembly.

All re-roofing shall conform to the applicable provisions of the California Building Code section 1605, "Roof Design" and any other applicable engineering requirements, including Chapter 15, "Roof Construction and Covering" and Appendix Chapter 15, "Re-roofing". ??

**3601.3. Construction requirements.** Any building or structure complying with the requirements of the California Building Code may be erected, constructed, moved within or moved into the Hazardous Fire Area provided the

additional minimum protection requirements are met. Gazebos, decks, bathhouses and similar Type U detached structures under CBC section 106.2 may be built without regard for fire-retardant treatment.

**3601.3.1. Wall covering.** All exterior faces of the exterior walls shall be of an assembly qualified for exterior face of recognized one hour fire resistive assemblies. Openings shall be protected as prescribed in sections 3601.3.4 and 3601.3.7. All exterior wall covering shall meet a Class I flame spread requirement and be installed over materials approved for one-hour fire-resistive construction.

**EXCEPTIONS:**

1. Existing wood shakes or shingles wall covering may be replaced with Class A or B pressure-treated cedar shakes or shingles.
2. Replacement of existing structures shall comply with the provision set forth in this section.
3. Class I flame spread requirement may be waived for additions not to exceed 50%, cumulatively over the life of the structure, of the existing structure including garage areas.

**3601.3.2. Unenclosed under-floor areas.** The building or structures shall have all under-floor areas enclosed to the ground with construction as required for exterior walls.

**EXCEPTION:**

Complete enclosure shall not be required where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one hour fire resistive construction.

**3601.3.3. Utilities.** Utilities, pipes, furnaces, water heaters or other mechanical devices located in an exposed under-floor area of a building or structure shall be enclosed with material as required for exterior, one-hour, fire-resistive construction. Adequate covered access opening for servicing such utilities shall be provided as required by appropriate codes.

**3601.3.4. Protection of openings.** Openings into attics, floors, or other enclosed areas, shall be covered with corrosion resistant wire mesh not less than one-fourth inch (1/4") nor more than one-half inch (1/2") in any dimension except where such openings are equipped with sash or doors.

**3601.3.5. Balconies and decks.** Attached balconies and decks, unless made entirely of noncombustible materials, shall be protected on exposed exterior surfaces below the floor level with materials approved for one hour fire-resistive construction.

**EXCEPTION:**

Decks and balcony stairs may have vertical supports of 6 inch x 6 inch posts, horizontal members not less than 6 inches in width and 10 inches in depth, and floors of 2 inch nominal thick wood, or constructed entirely with fire-retardant-treated wood members, or special circumstances may permit the use of an automatic fire extinguishing system with the approval of the Fire Marshal or Building Official.

**3601.3.6. Building projections.** Eaves and architectural projections shall be enclosed with noncombustible materials, 7/8 inch stucco or fire-retardant-treated wood finishes of 1-1/4 inch minimum thickness or double blocked at the top of the plate line with two members of 2 inch thickness as required to meet one-hour fire-resistive construction.

**3601.3.7. Glazing requirements.** All glazed openings shall have dual pane assemblies, notwithstanding energy compliance measures. All skylights shall be constructed of noncombustible materials and have dual pane assemblies. As an alternative, approved plastic skylights may be allowed where the total area of each skylight does not exceed 4 square feet and the total number of plastic skylights does not exceed two.

**3601.3.8. Trellises and open shade structures.** All attached structural members must be constructed with one-hour fire-resistive assemblies, including shade covering. One-hour fire resistive assemblies are not required for open trellises if:

1. The vertical supports are a minimum of 4 inches by 4 inches, the horizontal supporting members are a minimum of 4 inches by 6 inches, and the trellis members are 3-1/2 inch minimum width by 1-1/2 inch minimum depth with a minimum of 6 inches clear open space between members;
2. The trellis is constructed with fire-retardant treated wood members; or,
3. the fire marshal or building official approves the use of an automatic fire extinguishing system based on special circumstances shown.

**3601.4. Historical buildings.** Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of this code when authorized by the building official, provided:

1. The building or structure conforms to Part 8, Title 24, of the California Code of Regulations; and
2. A fire protection plan is implemented so that the building or structure will be no more of a fire hazard than any new building. The plan must be prepared and signed by a registered Fire Protection Engineer. The plan must be approved by the building official and fire chief prior to the commencement of any work.

### **ARTICLE 3. FREMONT MECHANICAL CODE**

#### **Sec. 7-1300 Title.**

This Article shall be known and may be cited as the “Fremont Mechanical Code” or Fremont Municipal Mechanical Code” or “FMMC” and will be referred to in this Article as “this code.”

#### **Sec. 7-1310 Adoption of the 2001 CMC With Amendments.**

Except as provided in this Article, the technical and administrative provisions of the 2001 California Mechanical Code, as codified in Title 24 of the California Code of Regulations, are adopted by reference and made a part of this Article as if fully set forth. A copy of 2001 CMC is on file in the Office of the City Clerk.

#### **Sec. 7-1312 2001 CMC Appendix Chapters Adopted.**

The following Appendix Chapters of the 2001 California Mechanical Code are adopted by the City of Fremont. The remaining Appendix Chapters are not adopted.

Appendix B, Chapter 13, Fuel Gas Piping.

#### **Sec. 7-1314 Reserved.**

#### **Sec. 7-1320 Amendments to the 2001 CMC; numbering .**

The 2001 California Mechanical Code is amended as provided in sections 7-1320.112 through 1320.117. The number to the right of the decimal point in these sections is designed to correspond to the numbers of sections in the 2001 California Mechanical Code that are modified by the City of Fremont.

#### **Sec. 7-1320.112 Amendment of 2001 CMC Section 112 (Permits Required).**

*Section 112.1 of the California Mechanical Code is changed by adding a second paragraph to read as follows:*

Permits shall be issued only to State licensed contractors or their respective authorized representative but only to the extent and to the work the person is licensed by the State of California to do so.

#### **EXCEPTION:**

Permits may be issued to owners certifying proof of exemption pursuant to the exemptions specified in Chapter 9, Division 3, section 7044 of the State of California Business and Professions Code.

#### **Sec. 7-1320.113 Amendment of 2001 CMC Section 113 (Application for Permit).**

*Section 113.1, Item 113.1.5 of the California Mechanical Code, is changed to read as follows:*

5. The application shall be signed by the permittee, contractor, or

authorized representative of the permittee who may also be required to submit additional evidence to indicate such authority. Applicant must certify that the contents thereof are true and correct under penalty of perjury.



**Sec. 7-1320.114      Amendment of 2001 CMC Section 114 (Permit Issuance).**

*Section 114.1 of the California Mechanical Code is changed by adding a new section 114.1.3 to read as follows:*

**114.1.3 Withhold Permit.** The building official may withhold the issuance of a permit if the proposed work is in conjunction with construction requiring the issuance of a building permit where no building permit has been issued.

*Section 114 of the California Mechanical Code is changed by adding section 114.7 to read as follows:*

**114.7 Maintenance Permit.** Companies or business owners may purchase a semiannual Maintenance Permit in lieu of purchasing a permit prior to repairs or replacement of equipment. In addition, mechanical permit(s) shall be obtained for individual work being performed during each semiannual maintenance permit. All tests and inspections required by the applicable code(s) shall be performed and inspected prior to connection. An activity log describing all work performed shall be maintained on site for the periodic review by the inspector during each 180 day period.

Fees adopted by resolution of the City Council shall be paid for each semiannual Maintenance Permit at the time when such permit is issued and shall not be subject to extension as provided for in section 114.4.2 of the California Mechanical Code.

**Sec. 7-1320.115      Amendment of 2001 CMC Section 115 (Permit Fees).**

*Sections 115.2 and 115.3 of the California Mechanical Code are replaced in their entirety to read as follows:*

**115.2 Permit Fees.** Permit fees shall be established by resolution of the City Council for any permit, inspection, review, approval, determination, or other procedure established pursuant to this Code.

**115.3 Plan Review Fees.** When a plan or other data is required to be submitted by section 113.2 of the California Mechanical Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as established by resolution of the City Council.

The plan review fees specified in this subsection are separate fees from the permit fees specified in section 115.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate established by resolution of the City Council.

**Sec. 7-1320.117      Amendment of 2001 CMC Section 117 (Connection approval)**

*Section 117.1 of the California Mechanical Code is replaced to read as follows:*

**117.1 Energy Connections.** There shall be no clearance for connection of gas

or electrical utilities until final building, electrical, plumbing, heating, air conditioning and zoning inspections are made and approval has been given on any building sought to be connected to such utilities unless approval has first been obtained from the building official.

#### **ARTICLE 4. FREMONT PLUMBING CODE**

##### **Sec. 7-1400 Title.**

This Article shall be known and may be cited as the “Fremont Plumbing Code” or “FPC” and will be referred to in this Article as “this code.”

##### **Sec. 7-1410 Adoption of the 2001 CPC With Amendments.**

Except as provided in this Article, the technical and administrative provisions of the 2001 California Plumbing Code, as codified in Title 24 of the California Code of Regulations, are adopted by reference and made a part of this Article as if fully set forth. A copy of 2001 CPC is on file in the Office of the City Clerk.

##### **Sec. 7-1412 Reserved.**

##### **Sec. 7-1414 Reserved.**

##### **Sec. 7-1420 Amendments to the 2001 CPC; numbering.**

The 2001 California Plumbing Code is amended as provided in sections 7-1420.102 through 1420.1413. The number to the right of the decimal point in these sections is designed to correspond to the numbers of sections in the 2001 California Plumbing Code that are modified by the City of Fremont.

##### **Sec. 7-1420.102 Amendment of 2001 CPC Section 102 (Organization and Enforcement).**

*Section 102.1. (Administrative Authority) of the 2001 California Plumbing Code is replaced to read as follows:*

**102.1** Whenever the term “Administrative Authority” is used in this Article, it shall be construed to mean the building official or his or her authorized representative.

*Section 102.3.2 of the 2001 California Plumbing Code is not adopted.:*

##### **Sec. 7-1420.103 Amendment of 2001 CPC Section 103 (Permits and Inspections).**

*Section 103.2.1 (Application) of the California Plumbing Code is amended by adding new sections 103.2.1.7 and 103.2.1.8 to read as follows:*

**103.2.1.7** Permits shall be issued only to contractors or their respective authorized representatives licensed by the State to perform the work authorized by the permit. Permits may be issued to owners certifying proof of exemption under Chapter 9, Division 3, section 7044 of the State of California Business and Professions Code.

**103.2.1.8** The application shall be signed by the permittee, contractor, or authorized representative of the permittee who may also be required to submit additional evidence to indicate such authority. Applicant must certify that the contents thereof are true and correct under penalty of perjury.

*Section 103.3.1 of the California Plumbing Code is changed by adding a new fourth paragraph to read as follows:*

The administrative authority may withhold the issuance of a permit if the proposed work is in conjunction with construction requiring the issuance of a building permit and where no building permit has been issued.

*Section 103.3 of the California Plumbing Code is changed by adding a new section 103.3.6 to read as follows:*

**103.3.6 Maintenance Permit.** Companies or business owners may purchase a semiannual Maintenance Permit in lieu of purchasing a permit prior to repairs or replacement of equipment. In addition, plumbing permit(s) shall be obtained for individual work being performed during each semiannual maintenance permit. All tests and inspections required by the applicable code(s) shall be performed and inspected prior to connection. An activity log describing all work performed shall be maintained on site for the periodic review by the inspector during each 180 day period.

Fees provided by resolution of the City Council shall be paid for each semiannual Maintenance Permit at the time when such permit is issued and shall not be subject to extension as provided in section 103.3.4 of the California Plumbing Code.

*Section 103.4.1 of the California Plumbing Code is replaced to read as follows:*

**103.4.1 Permit fees.** The applicant shall pay for each permit at the time of issuance a fee established by resolution of the City Council for any permit, inspection review, approval, determination or other procedure established pursuant to this Code.

*Section 103.4.2 of the California Plumbing Code is replaced to read as follows:*

**103.4.2 Plan review fees.** When a plan or other data is required to be submitted by section 103.2.2 of the California Plumbing Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be as established by resolution of the City Council. When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate established by resolution of the City Council.

The plan review fees specified in this subsection are separate fees from the permit fees specified in section 103.4.1 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate established by resolution of the City Council.

*Section 103.6 of the California Plumbing Code is changed by adding an additional section 103.6.4 to read as follows:*

**103.6.4. Clearance of connections.** There shall be no clearance for connection of gas or electrical utilities until final building, electrical, plumbing, heating, air conditioning and zoning inspections are made and approval has been given on any building or system sought to be connected to such utilities unless approval has been first obtained from the building official, as provided for a certificate of final inspection in section 103.5.6.3.

**Sec. 7-1420.413      Amendment of 2001 CPC Section 413** (Minimum Number of Required Fixtures and Separate Facilities).

*Section 413 of the Uniform Plumbing Code is changed to read as follows:*

**413.1. Fixture Count.** Plumbing fixtures shall be provided according to Chapter 29 of the Uniform Building Code. The use of Table 4-1 in the Uniform Plumbing Code is recommended but not mandatory. Provisions of the California Plumbing Code shall govern where applicable.

*Section 413.3 of the Uniform Plumbing Code is changed to read as follows:*

**413.3. Separate Facilities.** Separate toilet facilities shall be provided for each gender according to Chapter 29 of the Uniform Building Code. Provisions of the California Plumbing Code shall govern where applicable.

## **ARTICLE 5. FREMONT ELECTRICAL CODE**

**Sec. 7-1500      Title.**

This Article shall be known and may be cited as the “Fremont Electrical Code” or “FEC” and will be referred to in this Article as “this code.”

**Sec. 7-1510      Adoption of the 2001 CEC Without Amendments.**

The 2001 California Electrical Code published by the California Building Standards Commission and incorporating with amendments provisions of the 1999 National Electric Code (NEC) promulgated by the National Fire Protection Association, as codified in Title 24 of the California Code of Regulations, is adopted by reference and made a part of this Article as if fully set forth. A copy of 2001 CEC is on file in the Office of the City Clerk.

**Sec. 7-1512      Reserved.**

**Sec. 7-1514      Reserved.**

**Sec. 7-1520      Reserved.**

**Sec. 7-1530      Scope.**

The provisions of this Article shall govern and control any installation, alteration, removal, maintenance, addition to, or repair of any electrical wiring system or fixture or any

part thereof within the City of Fremont.

When, in any specific case, different sections of this Article specify different materials, methods of construction or other requirements, the most restrictive shall govern. Other laws more restrictive than this Article required to be enforced by the Building Official shall govern.

#### **Sec. 7-1531                      Application To Existing Electrical Systems And Equipment.**

(a)     **Additions, Alterations or Repairs** Additions, alternations or repairs may be made to an electrical system and equipment without requiring the existing electrical system and equipment to comply with all the requirements of this code, provided the addition, alteration or repair conforms to that required for a new electrical system and equipment and provided further that no hazard to life, health or safety will be created by such additions, alternations or repairs.

Additions or alterations shall not be made to an existing electrical system or equipment which will cause the existing electrical system or equipment to be in violation of the provisions of this code nor shall such additions or alterations cause the existing electrical system or equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will create a fire hazard, will reduce required fire resistance, will cause the electrical system or equipment to become overloaded or exceed their rated capacities, will create a health hazard or will otherwise create conditions dangerous to human life.

Minor additions, alterations and repairs to existing electrical system and equipment may be made in accordance with the law in effect at the time the original installation was made, when approved by the building official.

(b)     **Existing Installations.** Electrical systems and equipment lawfully in compliance with the state and local laws in effect at the time of installation may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such electrical system and equipment.

(c)     **Changes in Building Occupancy.** Electrical systems and equipment which are a part of any building or structure undergoing a change in use or occupancy, as defined in the Building Code, shall comply with the requirements of this code which are applicable to the new use or occupancy.

(d)     **Maintenance.** All electrical systems and equipment, both existing and new, and all parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and hazard-free condition. All devices or safeguards which are required by this code shall be maintained in conformance with this code. The owner or designated agent shall be responsible for the maintenance of the electrical system and equipment. To determine compliance with this section, the building official may cause an electrical system to be reinspected.

(e)     **Moved Buildings.** Electrical systems and equipment which are a part of buildings or structures moved into or within this jurisdiction shall comply with the provisions of this code for new installations. This section does not apply to structures governed by Health and Safety Code section 17958.9.

**Sec. 7-1532****Definitions.**

For the purpose of these provisions, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used.

(a) *Approved*, as to materials, equipment and method of construction, refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

(b) *Approved Agency* is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, that has been approved by the building official to perform such services in the City of Fremont.

(c) *Building Code* is the Fremont Building Code.

(d) *Building Official* is the officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

(e) *Chief Electrical Inspector* shall be the person providing expertise for the building official in the area of electrical regulations.

(f) *Code Enforcement Agency* is the department, division or agency of the City of Fremont charged with the function of code enforcement and shall be under the administration and operational control of the building official.

(g) *Electrical Code* is the Fremont Electrical Code.

(h) *Firewall* is the same as an area separation wall as used in the Building Code.

(i) *Listed* and *Listing* are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and which listing states that the material or equipment complies with accepted national standards which are approved or standards which have been evaluated for conformity with approved standards.

(j) *Multiple Occupancy Building* is a building having more than one tenant and may be of single or mixed-use groups as classified by the building code.

(k) *Occupancy* is the purpose for which a building, or part thereof, is used or intended to be used.

**Sec. 7-1533****Alternate Materials, Methods Of Design And Methods Of Construction.**

The provisions of this code are not intended to prevent the use of any material, methods of design or method of construction not specifically prescribed by this code, provided an alternate has been approved and its use authorized by the building official.

The building official may approve an alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of this code and that the

material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability and safety.

The building official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

**Sec. 7-1534                      Modifications.**

Whenever there are practical difficulties involved in carrying out the provisions of this code, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of this code impractical and the modification is in conformity with the intent and purpose of this code, and that such modification does not lessen health, life and fire-safety requirements. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

**Sec. 7-1535                      Tests.**

Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that materials or construction do not conform to the requirements of this code, the building official may require tests as evidence of compliance to be made at no expense to the City of Fremont. Test methods shall be as specified by this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall determine test procedures. All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

**Sec. 7-1536                      Material and Installation Standards.**

The following standards for materials and installations shall be complied with:

(a) All electrical materials, devices, appliances, equipment and electrical work shall be in conformity with this Code and approved standards for safety of life and property and be listed or labeled by an approved testing agency having a service for the inspection of materials and workmanship at the factory during fabrication and assembly.

(b) The Standards of the American Society for Testing and Materials, American National Standards Institute, National Bureau of Standards, the National Electrical Manufacturers Association, the National Fire Protection Association, Underwriters Laboratories, Inc., or other similar institutions of recognized standing may be classified by the building official as approved standards.

(c) The maker's name, trademark, or other identification symbol shall be placed on all electrical materials, devices, appliances, and equipment used or installed under this Code.

(d) Previously used material shall not be reused in any work without the written approval obtained in advance from the building official.

(a) **Deputies.** The building official may designate a chief electrical inspector and other related technical officers and inspectors as may be authorized from time to time.

(b) **Inspection**

(1) **Authority To Inspect.** The building official is authorized to conduct inspections when necessary to enforce any of the provisions of this code, or when the building official has reasonable cause to believe that there exists in any building or on a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous.

(2) **Entry.** The building official may enter buildings or premises at all reasonable times to inspect or to perform the duties imposed by this code, as follows. Should entry be refused, the building shall have recourse to the remedies provided by law to secure entry.

(A) If the building or premises is occupied, the building official shall first present his or her credentials to the occupant and request entry.

(B) If the building or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

(c) **Stop Orders.** When work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

(d) **Authority to Disconnect Utilities.**

(1) The building official or the building official's authorized representative is authorized to disconnect or order discontinuance of electric service to any electric wiring, devices, appliances or equipment found to be in violation of this Article if:

(A) The owner or the owner's agent has failed to secure the required electrical permit; or

(B) Electrical work is connected to service without the approval of the building official.

The order may be made either to the person using and maintaining the condition or to the person responsible for its use and maintenance, and shall specify the date or time for compliance with its terms.

(2) The building official or the building official's authorized representative is authorized to disconnect a utility service or energy supplied to a building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property.



The building official shall whenever possible notify the serving utility, the owner and the occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

(e) **Authority to Condemn Building Service Equipment.** When the building official ascertains that building service equipment regulated by the Fremont Electrical Code has become hazardous to life, health or property, or has become unsanitary, the building official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice shall fix a time limit for compliance with the order. Defective building service equipment shall not be maintained after receiving notice under this section. When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

(f) **Corrective Action.** When any building service equipment is maintained in violation of the Fremont Electrical Code or in violation of a notice issued under the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

(g) **Connection After Order to Disconnect.** It is unlawful for any person, firm or corporation to make connection from an energy, fuel or power supply or supply energy or fuel to building service equipment that the building official has disconnected, ordered disconnected, or ordered the use discontinued until the building official authorizes the reconnection and use.

It is unlawful for any person, firm or corporation to make connections from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment that the building official has disconnected, ordered disconnected, or ordered the use discontinued until the building official approves the reconnection and use.

(h) **Liability.** The building official charged with the enforcement of the Fremont Electrical Code, acting in good faith and without malice in the discharge of his duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the building official or employee because of an act or omission performed by the building official or employee in the enforcement of the provisions of this code or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the City of Fremont until final termination of the proceedings, and any judgment shall be assumed by the City of Fremont.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the code enforcement agency or the City of Fremont be held as assuming liability by reason of the inspections authorized by this code or permits or certificates issued under this code.

## **Sec. 7-1541                      Unsafe Electrical Systems Or Equipment.**

Electrical systems or equipment regulated by this code are considered unsafe if the

operation or presence of the electrical systems or equipment constitutes a hazard to safety, health or public welfare by reason of improper installation, inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment.

Unsafe electrical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in a proceeding authorized by the Fremont Municipal Code.

**Sec. 7-1542                      Board of Appeals.**

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Article, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to electrical systems and equipment and who are not employees of the City of Fremont. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the City Council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

**Sec. 7-1543                      Violations .**

It shall be unlawful for a person, firm or corporation to construct, install, renew, alter, or use or maintain any electrical wiring, devices, appliances or equipment or cause or permit the same to be done in violation of this code.

**Sec. 7-1550                      Permits.**

(a)     **Permits Required.** Except as specified in this section, no electrical system regulated by this code shall be installed, altered, repaired, replaced or remodeled unless a separate electrical permit for each building, structure, system or equipment has first been obtained from the building official.

(b)     **Exempt Work.** An electrical permit shall not be required for the following:

- (1)     Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when the use of a cord or cable is permitted by Fremont Electrical Code.
- (2)     Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
- (3)     Temporary decorative lighting.
- (4)     Repair or replacement of current-carrying parts of any switch, contactor or control device.
- (5)     Reinstallation of attachment plug receptacles, but not the outlets therefore.
- (6)     Repair or replacement of any overcurrent device of the required capacity in the same location.

- (7) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
- (8) Taping joints.
- (9) Removal of electrical wiring.
- (10) Temporary wiring for experimental purposes in suitable experimental laboratories.
- (11) The wiring for temporary theater, motion picture or television stage sets.
- (12) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- (13) Low-energy power, control and signal circuits of Class II and Class III as defined in this code.
- (14) A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

(c) Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

#### **Sec. 7-1551                      Application For Permit.**

(a) **Application.** To obtain a permit, the applicant shall first file an application in writing on a form furnished by the code enforcement agency. The application must:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- (3) Indicate the use or occupancy for which the proposed work is intended.
- (4) Be accompanied by plans, diagrams, computations and specifications and other data as required in this section.
- (5) Be signed by applicant or the applicant's authorized agent.
- (6) Give such other data and information as may be required by the building official.

(b) **Submittal Documents.** Plans, specifications, engineering calculations, diagrams and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state

to practice as such even if not required by law.

The building official may waive the submission of plans, calculations, etc., if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(c) **Information on Plans and Specifications.** Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

Except for Groups R, Division 3 and U Occupancies, plans for buildings more than two stories in height shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical and communication conduits, pipes and similar systems.

## **Sec. 7-1552                      Permit Issuance.**

(a) **Issuance.**

- (1) The application, plans, specifications, computations and other data, filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of the City of Fremont to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in section 7-1553 have been paid, the building official shall issue the permit.
- (2) The building official shall endorse in writing or stamp the plans and specifications APPROVED when a permit is issued and plans are required. Such approved plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by this code shall be done in accordance with the approved plans.
- (3) The building official may issue a permit for the construction of part of an electrical system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.
- (4) Permits shall be issued only to contractors or their respective authorized representatives licensed by the State to perform the work authorized by the permit. Permits may be issued to owners certifying proof of exemption under Chapter 9, Division 3, section 7044 of the State of California Business and Professions Code.
- (5) The building official may withhold issuing a permit if the proposed work is in conjunction with construction requiring the issuance of a building permit and no building permit has been issued.

(b) **Retention of Plans.** One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 90 days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

(c) **Validity of Permit.**

- (1) The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter, or of any other local or state law. Permits presuming to give authority to violate or cancel the provisions of this Chapter or other law shall not be valid.
- (2) The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this Title, any other ordinances of the City of Fremont, or State law.

(d) **Expiration.**

- (1) Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void, if
  - (A) The building or work authorized by the permit is not commenced within 180 days from the date of the permit; or
  - (B) If the building or work authorized by the permit is suspended or abandoned for a period of 180 days at any time after the work is commenced.
- (2) Before work can be recommenced after expiration of a permit, a new permit shall be first obtained. Where suspension or abandonment has not exceeded one year and no changes have been made or will be made in the original plans and specifications for the work, the renewal fee shall be one half the amount required for a new permit for the work. Otherwise, the renewal fee shall be the full amount required for a new permit.
- (3) A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable, for good and satisfactory reasons, to commence work within the time required by this section. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

(e) **Suspension or Revocation.** The building official may, in writing, suspend or revoke a permit issued under the provisions of this code when the permit is issued in error or on the basis of incorrect information supplied, or in violation of any law.

(f) **Maintenance Permits.** Companies or business owners may purchase a semiannual

Maintenance Permit in lieu of purchasing a permit before performing repairs or replacement of electrical equipment. In addition, permit(s) shall be obtained for individual work being performed during each semiannual maintenance permit. All tests and inspections required by the applicable code(s) shall be performed and inspected before connection. An activity log describing all work performed shall be maintained on site and available for inspection during each 180 day period.

Fees in an amount provided by resolution of the city council shall be paid for each semiannual Maintenance Permit when the permit is issued. Notwithstanding any other provision in this Chapter, an extension shall not be granted for the payment of fees.

**Sec. 7-1553                      Fees.**

(a)     **Permit Fees.** Before any permit required by this Code is issued or before any survey or consultation is conducted, the applicant thereof shall pay to the building official a fee as established by resolution of the City Council.

(b)     **Plan Review Fees.** Plan review fees shall be as established by resolution of the City Council.

(c)     **Expiration of Plan Review.** Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(d)     **Work Without Permit Investigation Fees.**

(1)     Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work.

(2)     An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee as established by resolution of the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code or from any other penalty prescribed by law.

(e)     **Fee Refunds.** The building official shall not authorize the refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment. The building official may authorize the refunding of permit fees when:

(1)     The fee was erroneously paid or collected.

(2)     No work has been done under a permit issued in accordance with this code, in which case the building official may authorize the refunding of not more than 80 percent of

the permit fee paid.

- (3) An application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended, in which case the building official may authorize the refunding of not more than 80 percent of the plan review fee paid.

## **Sec. 7-1554                    Inspections.**

### **(a)        General.**

- (1) All electrical systems and equipment for which a permit is required shall be subject to inspection by the building official, and the electrical system shall remain accessible and exposed for inspection purposes until approved by the building official.
- (2) It shall be the duty of the permit applicant to cause the electrical system to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for the expense entailed in the removal or replacement of any material required to permit inspection. When the installation of an electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this code shall not be connected to the energy source until authorized by the building official.
- (3) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

(b)        **Inspection Requests.** It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

(c)        **Operation of Electrical Equipment.** The requirements of this section shall not be construed to prohibit the operation of any electrical system or equipment installed to replace existing equipment. The request for inspection of such equipment must have been filed with the building official not more than 48 hours after such replacement work is completed and before any portion of such electrical system is concealed by any permanent portion of the building.

(d)        **Other Inspections.** In addition to the called inspections required by this code, the building official may make or require other inspections of any work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency.

(e)        **Reinspections.** A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring

reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with Table 3-A.

#### **Sec. 7-1554                      Connection To Utilities.**

**(a)        Energy Connections.**

- (1)        It is unlawful for any person, firm or corporation without the approval of the building official to make connection from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment when a permit is required for the connection.
- (2)        Where the building official finds the installation to be in conformity with the provisions of this Article, he shall authorize the use of the installation and connection to the source of supply, and shall notify the electrical utility furnishing the electric service of such authorization.
- (3)        There shall be no clearance of connection of gas or electrical utilities until final building, electrical, plumbing, heating, air conditioning and zoning inspections are made and approval has been given on any building or system sought to be connected to such utilities unless approval has been first obtained from the building official.

**(b)        Temporary Connections.** The building official may authorize the temporary connection of the electrical system or equipment to the source of energy or power for the purpose of testing the equipment, or for use under a temporary Certificate of Occupancy.

When approval is issued authorizing the connection and use of temporary work, the approval expires on the date stated in the temporary Certificate of Occupancy and shall be revocable by the building official for cause. A preliminary approval may be issued authorizing the connection and use of certain specific portions of an incomplete installation. The building official may revoke the preliminary approval at his or her discretion.

### **ARTICLE 6. FREMONT CODE FOR BUILDING CONSERVATION**

#### **Sec. 7-1600                      Title.**

This Article shall be known and may be cited as the “Fremont Code for Building Conservation” or “FCBC” and will be referred to in this Article as “this code.”

#### **Sec. 7-1610                      Adoption of the 2001 CBC.**

The 2001 California Code For Building Conservation, codified in Title 24 of the California Code of Regulations, is adopted by reference and made a part of this Article as if fully set forth. A copy of 2001 CCBC is on file in the Office of the City Clerk.



**Sec. 7-1611                      Adoption of Chapter 5 of 1997 Uniform Code For Building Conservation.**

Chapter 5 of 1997 Uniform Code For Building Conservation, published by International Conference of Building Officials, is adopted without modification.

**Sec. 7-1612                      Reserved.**

**Sec. 7-1614                      Reserved.**

**Sec. 7-1620                      Reserved.**

Section 4:

Title VII (Building Regulations), Chapter 1 (Building Code), Article 2, Chapter V (Building Security), codified as Fremont Municipal Code section 7-1255 as added by Ordinance no. 2334, is repealed and readopted as Title VII (Building Regulations), Chapter 2 (Building Security) and amended to read as follows. The purpose of this repeal and readoption is to renumber these provisions as a separate chapter in Title VII without substantive change.

**CHAPTER 2.                      BUILDING SECURITY**

**Sec. 7-2105                      Definitions.**

(a)     *Bolt* is a metal bar which, when actuated, is projected (or "thrown") either horizontally or vertically into a retaining member, such as a strike plate, to prevent a door from moving or opening.

(b)     *Bolt Projection* or *Bolt Throw* is the distance from the lock front surface to the farthest projected point on the bolt or latch at the center line when subjected to end pressure.

(c)     *Component* as distinguished from a part, is a subassembly which combines with other components to make up a total door assembly. The prime components of a door assembly include: door, lock, hinges, jamb/wall, jamb/strike and wall.

(d)     *Cylinder* is the cylindrical subassembly of a lock containing the cylinder core, tumbler mechanism and the keyway. A double cylinder lock is one which has a key-actuated cylinder on both the exterior and interior of the door.

(e)     *Cylinder Core* or *Cylinder Plug* is the central part of a cylinder containing the keyway, which is rotated by the key to operate the lock mechanism.

(f)     *Cylinder Guard* is a tapered or flush metal ring plate or plate surrounding the otherwise exposed portion of a cylinder lock.

(g)     *Dead Bolt* is a lock bolt which does not have a spring action. This bolt must be actuated by a key from the exterior and a knob or thumb turn from the interior and when projected becomes locked against return by end pressure.

(h)     *Light Panel* is any glazed opening whether glazed with glass, plastic, metal, wood, or composition sheets or panels, or similar materials and shall include windows, skylights, view ports or view panels and similar openings.

(i) *Deadlocking Latch* is a spring activated latch bolt having a beveled end and incorporating a plunger which, when depressed, automatically locks the projected latch bolt against return by end pressure.

(j) *French Door* is a doorway equipped with a glazed door hinged at the jambs. The glazing may consist of one or more glazed panels.

(k) *Strike* is a metal plate designed to receive and hold a projected bolt.

(l) *Swinging Door* is a stile (side) hinged door.

**Sec. 7-2110 Purpose.**

The purpose of this Chapter is to establish minimum standards of construction for resistance to unlawful entry.

**Sec. 7-2115 Application; exceptions.**

(a) Except as provided in this section, the provisions of this Chapter shall apply to all new construction.

(b) This Chapter does not apply to the following:

- (1) An opening in an exterior wall when all portions of such openings are more than 8 feet vertically or 8 feet horizontally from an accessible surface of any adjoining yard, court, passageway, public way, walk, breezeway, patio, planter, porch or similar area.
- (2) An opening in an exterior wall when all portions of such openings are more than 8 feet vertically or 8 feet horizontally from the surface of any adjoining roof, balcony, landing, stair tread, platform or similar structure or when any portion of such surface is itself more than 8 feet above an accessible surface.
- (3) Any opening in a roof when all portions of such roof are more than 23 feet above an accessible surface.
- (4) Openings where the smaller dimension is 6 inches or less, provided that the closest edge of such openings is at least 36 inches from the locking device of the door or window assembly.
- (5) Openings protected by required fire rated assemblies having a fire protection rating of not less than 45 minutes.
- (6) French doors containing light panels glazed with safety glazing as per UBC section 2406, when the following conditions exist:
  - (A) The door is not a required exit.
  - (B) The door is equipped with a double keyed lock.
  - (C) When used in bedrooms, an emergency window shall be provided, as required in CBC section 310.4.

**Sec. 7-2120****Obstructing Exits.**

(a) **General.** Security methods shall not create a hazard to life by obstructing any means of egress or any opening which is classified as emergency exiting facility. Security provisions shall not supersede the safety requirements relative to latching or locking devices on exit doors which would be contrary to the applicable provisions of Fremont Building Code nor shall the provisions of this Chapter be construed to waive any other provisions of this code.

(b) **Emergency Egress or Rescue Windows.** Bars, grilles, grates or similar devices may be installed in an emergency egress or rescue windows or doors required by section 310.4 of the California Building Code, provided:

- (1) Such devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and
- (2) The dwelling is equipped with smoke detectors installed in accordance with section 310.9.1 of the California Building Code.

**Sec. 7-2125 Alternate Materials or Methods.**

(a) **Site Security Systems.** When approved by the building official, site security systems may be provided in lieu of the specific security provisions of this chapter.

(b) **Alternative Materials or Methods.** The provisions of this Chapter are not intended to prevent the use of any material, device, hardware or method not specifically prescribed by this Code when such alternate provides equivalent security and is approved by the building official.

(c) **Testing.** Tests required by this Chapter shall be performed by an approved testing agency and the product shall bear an identification indicating that it conforms to the standards prescribed in this Chapter.

**Sec. 7-2130 Residential Burglary Security.**

(a) **Exterior Doors**

- (1) Exterior doors on dwellings and garages and doors leading from garage areas into private residences and multiple dwelling residences shall comply with UBC Standard No. 10-5, Part 1; doors in pairs shall be tested in pairs.
- (2) Exterior doors on dwellings and garages and doors leading from garage areas into private residences or multiple dwelling residences shall have a deadlocking latch device with a minimum throw of one-half inch and a deadbolt lock with a cylinder guard, a hardened steel insert and a minimum throw of one inch. This provision shall not apply to vehicular doors.
- (3) All main and front entry doors shall be 1-3/4 inch in thickness, solid core. Other exterior doors on dwellings and garages shall be not less than 1-3/8 inch in thickness, solid core. Exterior doors 1-3/4 inch in thickness containing solid wood panels not less than 9/16 inch in thickness are a satisfactory alternate to solid core doors specified in this section.

- (4) Entry Vision. All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. Such view may be provided by a door viewer having a field of view not less than 180 degrees, through windows or through view ports.
- (5) Hinges which are exposed to the exterior shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.
- (6) In-swinging exterior doors shall have rabbeted jambs.
- (7) Strike Plate Installation. In wood frame construction any open space between trimmers and wood door jambs shall be solid shimmed by a single piece extending not less than six inches above and below the strike plate. Strike plates shall be attached to wood with not less than two No. 8 X 2 inch screws. Strike plates, when attached to metal, shall be attached with not less than two No. 8 machine screws. All strike plates of doors in pairs shall be installed, as tested.
- (8) Jambs for all doors shall be constructed or protected so as to prevent violation of the function of the strike from the outside.
- (9) Light panels in exterior doors or within 36 inches of the inside activating device shall be of laminated security glass which is a minimum 1/4 inch in thickness with a .060 inch vinyl interlayer or 1/4 inch polycarbonate security sheets or their equivalent.
- (10) Garage doors shall have an inside slide bolt lock or its equivalent located at the bottom of the garage door on the inside.
- (b) **Sliding Glass Doors.**
  - (1) Sliding glass doors regulated by this Code shall have a vertical hook bolt dead lock or shall comply with UBC Standard No. 10-5, Part II or shall be labeled as "SECURITY TESTED" meeting the California Model Building Security Ordinance (CMBSO). Doors not so equipped or tested and labeled as complying with such standard shall be secured as follows:
    - (A) Nonconforming sliding glass doors shall have a secondary bolt lock mounted on the bottom of the door. The bolt lock shall be no less than 1/4 inch in thickness and shall have a minimum throw of 2 inches. The bolt for such secondary lock shall be made of hardened steel and shall be securely fastened to the frame or floor.
    - (B) Double sliding patio doors shall be capable of being locked at the meeting rail.
  - (2) Non-crushable anti-lift devices shall be securely fastened in the top track of the door frame within three inches of each side of the moveable pane when in the closed position.
- (c) **Window security.**

- (1) Window assemblies which are designed to be openable and which are regulated by this chapter shall have a vertical hook bolt dead lock or shall comply with UBC Standard No. 10-6, or shall be labeled as "SECURITY TESTED", meeting the California Model Building Security Ordinance (CMBSO) unless such windows are protected by approved metal bars, screens or grilles. Louvered windows regulated by this chapter shall be protected by approved metal bars or grilles.
- (2) Sliding glass windows not so equipped or tested and labeled as complying with such standard shall be secured as follows:
  - (A) If a vertical hookbolt deadlock is used, it shall be of hardened steel and shall have a minimum thickness of 1/8 inch. The strike used for the vertical hook deadlock shall be made of hardened steel. When the vertical hookbolt deadlock is in the closed position, it shall be at least 180° around the strike.
  - (B) If a secondary lock is used, along with a lock other than a vertical hookbolt deadlock, the secondary lock shall be mounted on the bottom of the window. The secondary lock shall be a bolt lock and shall be no less than 1/8 inch in thickness, and shall have a minimum throw of one-half inch.
- (3) All sliding glass windows shall have the movable section of the window on the inside of the fixed portion of the window.

Non-crushable anti-lift devices shall be securely fastened in the top track of the window frame within three inches of each side of the moveable pane when in the closed position.

(d) **Address, location and specifications .**

- (1) Residence numbers shall be located in a visible location near the garage door.
- (2) If the garage does not face the street, or is not connected to the dwelling at the street front, the numbers shall be located on the portion of the residence closest to the street.
- (3) All address numbers shall be internally lighted and shall be a minimum of four inches in height. The numbers shall be black in color, with the background being illuminated in white.
- (4) Plans for multifamily dwelling projects shall include an addressing program approved by the building official.
- (5) Address numbering shall be provided and maintained in a position which is plainly visible and legible from the street fronting the property. When properties do not front toward streets, addressing shall conform to the above requirements but front driveways and pedestrian ways.
- (6) In addition, multiple unit dwellings shall also erect and maintain lighted directories at each pedestrian entrance displaying building and unit numbers.

**Sec. 7-2135 Commercial Burglary Security.**

- (a) Exterior doors shall be secured as follows.
  - (1) All exterior exit doors in Group B and M occupancies shall comply with the hardware requirements of section 1004.3 of the California Building Code. Locking deadbolts shall have a hardened steel insert and a minimum throw of one inch. A hook or expanding bolt may have a throw of 3/4 inch.
  - (2) Cylinders shall be so designed or protected so they cannot be gripped by pliers or other wrenching devices.
  - (3) Exterior sliding commercial entrances shall be secured as in 1 and 2 above, with special attention given to safety regulations.
  - (4) Rolling overhead doors, solid overhead swinging, sliding, or accordion garage-type doors shall be secured with a cylinder lock or padlock on the inside when not otherwise controlled or locked by electric power operation. If a padlock is used, it shall be of hardened steel 5/8 inch shackle locking at heel and toe, with minimum five pin tumbler operation with nonremovable key when in an unlocked position.
  - (5) Metal accordion grate or grille-type doors shall be equipped with metal guide track, at top and bottom, and a cylinder lock and/or padlock with a 5/8 inch hardened steel shackle and a minimum five pin tumbler operation which locks heel and toe and has a nonremovable key when in an unlocked position. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position.
  - (6) Exterior doors with hinges which are exposed to the exterior shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.
  - (7) Doors that swing in shall have rabbeted jambs.
  - (8) Strike Plate Installation. In wood frame construction any open space between trimmers and wood door jambs shall be solid shimmed by a single piece extending not less than six inches above and below the strike plate. Strike plates shall be attached to wood with not less than two No. 8 x 2 inch screws. Strike plates, when attached to metal, shall be attached with not less than two No. 8 machine screws. All strike plates of doors in pairs shall be installed as tested.
  - (9) Jambs for all doors shall be constructed or protected so as to prevent violation of the function of the strike from the outside.
  - (10) All exterior doors, excluding front doors, shall have provisions for a minimum of 60 watt bulb over the outside of the door or equivalent lighting. If a bulb is used, it shall be protected with a vapor cover or cover of equal breaking resistant material.
- (b) **Glass windows.** Louvered windows shall be protected by approved metal bars or grilles.
- (c) **Accessible transoms and hatchway openings.**

- (1) Exterior transoms exceeding 8 inches x 12 inches on the side and rear of any building or premises used for business purposes shall be protected by one of the following:
  - (A) Laminated security glass which is a minimum of 1/4 inch in thickness with a .060 inch vinyl interlayer or 1/4 inch Polycarbonate security sheets or their equivalent.
  - (B) Iron bars of at least 1/2 inch round or 1 inch x 1/4 inch flat steel material securely fastened; or
  - (C) A steel grille of at least 1/8 inch material of two inch mesh securely fastened.
- (2) All hatchway openings on the roof of any building or premises used for business purpose shall be secured as follows:
  - (A) If the hatchway is of wooden material, it shall be covered on the inside with at least 16 gauge sheet steel or its equivalent attached with screws.
  - (B) The hatchway shall be secured from the inside with a slide bar or slide bolts.
  - (C) Outside hinges on all hatchway openings shall be provided with nonremovable pins when using pin-type hinges.
- (3) All air duct and air vent openings exceeding 8 inches x 12 inches on the roof or exterior walls of any building or premises used for business purposes shall be secured by covering the same with either of the following:
  - (A) Iron bars of at least 1/2 inch round or 1 inch x 1/4 inch flat steel material, spaced no more than five inches apart and securely fastened, or
  - (B) A steel grille of at least 1/8 inch material of 2 inch mesh and securely fastened.
  - (C) If the barrier is on the outside, it shall be secured with round head flush bolts on the outside.
- (d) **Special security measures.**
  - (1) *Office Buildings (Multiple Occupancy).* All individual office suites shall have solid core doors which have a minimum thickness of at least 1-3/8 inch and shall have a deadbolt lock which has a cylinder guard, a hardened steel insert, and a minimum throw of one inch.
  - (2) *Electronic Computer Component Businesses.* Businesses involved in the production, assembly, storage, sale, transfer or transport of electronic computer components shall install site security systems including alarms with cellular or alternate equivalent backup, which shall be operational even if phone line service is interrupted. Motion detector(s) shall be installed to specifically protect main telephone power sources, alarm power sources and main alarm equipment panel(s).

(e) **Address, location and specifications.**

- (1) Building address numbers shall be in a visible location near the front entrance.
- (2) All address numbers shall be a minimum of eight inches in height.
- (3) Address numbering shall be provided and maintained in a position which is plainly visible and legible from the street fronting the property. When properties do not front toward streets, addressing shall conform to the above requirements but front driveways and pedestrian ways.

Section 5:

Title VII (Building Regulations), Chapter 1 (Building Code), Article 2, Chapter IX (Housing Code), codified as Fremont Municipal Code section 7-2250 as added by Ordinance no. 2334, is repealed and readopted as Title VII (Building Regulations), Chapter 3 (Fremont Housing Code), Fremont Municipal Code section 7-3112 and amended to read as follows. The purpose of this repeal and readoption is to renumber these provisions as a separate chapter in Title VII without substantive change.

**CHAPTER 3. FREMONT HOUSING CODE**

**Sec. 7-3112 Uniform Housing Code.**

The 1997 edition of the Uniform Housing Code, Chapters 1 through 10 are adopted as written, excluding sections 203.1 and 203.2 and excluding the definition of health officer in section 401, which are not adopted. Chapters 11 through 16 are changed, and combined as found in section 7-4112, Uniform Code for the Abatement of Dangerous Buildings.

Section 6:

Title VII (Building Regulations), Chapter 1 (Building Code), Article 2, Chapter X (Abatement of Dangerous Buildings), codified as Fremont Municipal Code section 7-2255, as added by Ordinance no. 2334, is repealed and renumbered as Title VII (Building Regulations), Chapter 4 (Fremont Abatement of Dangerous Buildings Code), Fremont Municipal Code section 7-4112 and amended to read as follows. The purpose of this repeal and readoption is to renumber these provisions as a separate chapter in Title VII without substantive change.

**CHAPTER 4. FREMONT ABATEMENT OF DANGEROUS BUILDINGS CODE**

**Sec. 7-4112 Uniform code for the abatement of dangerous buildings.**

The 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings, Chapters 1 through 3 are adopted as written, excluding section 205, which is not adopted. For the purposes of this Chapter, the building official may act as health officer. Chapters 4 through 9 of the Uniform Code for the Abatement of Dangerous Buildings and Chapters 11 through 16 of the Uniform Housing Code are combined and changed to read as follows:

**A. Inspection and notice to repair, notice to vacate.**

1. The building official may inspect or cause to be inspected every building or structure or portion thereof reported dangerous, damaged or



substandard. If the building or structure is found to be an unsafe building, the building official shall obtain a preliminary or survey title report as to the building or structure or land on which it is located, which shall identify all owners of record, holders of mortgages, deeds of trust or other liens and encumbrances of record. The building official shall serve upon each such person by personal service or by certified mail, postage prepaid, return receipt requested, a written notice stating the defects of the building or structure and requiring the owner to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof within sixty days from the date of notice or within such time as deemed reasonable by the building official. All such work must be completed within such time as deemed reasonable by the building official.

The notice shall also inform recipients of their rights to and the procedures for filing an appeal of the action to City Council within ten days of the date of the notice and that their failure to appeal will constitute a waiver of their right to an administrative hearing and adjudication of the notice and order or any portion thereof.

The notice shall be sent to each such person at his/her address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice shall be so mailed, addressed to such person, at the address of the building or structure found by the building official to be unsafe. Service by certified mail shall be effective on the date of mailing. The building official shall cause at least one copy of the notice, bearing title letters at least one inch high reading "NOTICE TO ABATE NUISANCE," to be posted conspicuously on the building, structure, or portion thereof alleged to be unsafe.

2. If the building or structure is occupied, and the building official finds that protection of human safety necessitates that it be vacated, the notice shall also require that the building, structure, or portion thereof be vacated not later than thirty (30) days from the date of the notice or within such time as deemed reasonable by the building official.

The building official shall serve by first class mail postage prepaid, a notice to the occupant of each dwelling unit or unit under separate use in the building or structure found to be unsafe, stating that the building official has, as a result of an inspection, found the building or structure to be unsafe and unfit for human occupancy, and advising the occupants that they must vacate the building or structure within the specified time, and that further occupancy of the building or structure beyond the date required for vacancy is unlawful and constitutes a misdemeanor. The building official shall cause to be posted at or upon each exit of the building or structure a notice in substantially the following form:

#### NOTICE TO VACATE

The building official of the City of Fremont has found this building to be unsafe and unfit for continued human occupancy. This building or structure must be vacated not later than \_\_\_\_\_.

It is a misdemeanor to occupy this building or structure beyond such date, or to remove or deface this Notice.

BUILDING OFFICIAL

Dated: \_\_\_\_\_ City of Fremont

3. No person shall enter or remain in any building which has been posted with a Notice to Vacate as specified in this subsection after the date upon which such notice requires the building to be vacated, except that entry can be made: (a) to repair, demolish, or remove such building under permit, (b) by the building official or his/her duly authorized representative for purposes of inspection; and (c) after any required repairs have been completed and a Certificate of Occupancy has been issued pursuant to the California Building Code.

No person shall remove or deface any notice posted pursuant to this subsection until the required repairs, demolition, or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the California Building Code.

4. Proof of services of notices shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

- B. **Appeals and appeal hearings.** Appeals and appeal hearings shall be conducted as provided for in Title I of this Code, unless other procedures are specified.
- C. **Recordation of notice and order.** If the nuisance is not abated by the owner within the prescribed time(s), recordation of notice and order shall be accomplished in accordance with section 402, Uniform Code for the Abatement of Dangerous Buildings, if such recordation has not already been made during the course of the proceedings.
- D. **Abatement by building official.** In the event the nuisance is not abated by the owner within the time prescribed, the building official is authorized to raze, demolish, remove, rehabilitate, or repair the building or pertinent portion thereof, or have the work done under his/her direction or supervision, or pursuant to purchase order or contract.

The building official shall keep an itemized account of the expenses, including any administrative costs, involved in the razing, demolishing, removing, rehabilitation, reconstruction, or repair of any building. The building official

shall mail a copy of the itemized statement of expenses to the person owning the land demanding payment within 30 days. Copies of this statement will also be mailed to any holder of any interest of record. The statement of expenses will also advise the owner of the right to appeal the costs of the abatement within 10 calendar days and the procedure by which such an appeal may be filed. Any appeal filed hereunder shall be heard by a hearing officer appointed by the city manager. The owner will be notified of the time and place for the hearing in writing. Said notice will be served personally or by first class mail, postage prepaid.

- E. **Hearing by hearing office - statement of expense.** At the time fixed for the hearing of the statement of expense, the hearing officer shall consider the statement together with any objections or protests which may be raised by any of the property owners liable to be assessed for such abatement costs. The hearing officer may make such revision, correction, or modification in the statement as she/he may deem just, after which the statement as submitted, or as revised, corrected, or modified, shall be confirmed. The hearing officer shall notify the property owner in writing of his/her confirmation, setting a 30 day payment deadline, and serve the confirmation personally or by first class mail, postage prepaid. The hearing officer may continue the hearings from time to time. The decision on all protests and objections which may be made shall be final and conclusive. The hearing officer shall prepare and preserve a full record of the proceeding, including an audio tape, for 37 months after the close of the hearing.
- F. **Assessment of cost of abatement; lien** The cost of abatement shall be assessed by the city against the property upon which the nuisance was abated, and such cost so assessed, if not paid within thirty (30) days after its confirmation by the hearing officer, shall constitute a special assessment against the parcel of property and shall be a lien on such property for the amount thereof from the time of recordation of the notice of lien, which lien shall continue until the assessment is paid or until it is discharged of record.

From and after the date of the recording of the notice of a lien, all persons shall be deemed to have notice of the contents thereof. The notice of lien shall be delivered by the city finance director to the county auditor, who shall enter the amount thereof on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the county auditor before the date fixed by law for the delivery of the assessment roll to the county board of equalization. Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are hereby made applicable to such special assessment taxes.

- G. **Power of building official to secure hazardous structures.** In addition to the procedures provided for abatement of nuisances caused by dangerous and

hazardous structures as set forth in this code, the building official is hereby given summary power to secure from entry any structure which in his/her discretion is determined to be immediately dangerous, or immediately hazardous, or in any other manner injurious to public health or safety. Such structures may be secured by the building official by nailing boards over the doors and windows of such structures. However, the building official shall not be limited to only this method and may use other methods at his/her discretion to accomplish the same purpose which may be more appropriate under the circumstances. The building official shall also post a sign stating in effect, "DANGER, DO NOT ENTER" upon the structure in at least one conspicuous place, with the wording "DANGER" in letters at least one inch in height. The building official shall immediately upon such action send notice to the owners of the real property upon which the structure is located, as shown on the last equalized assessment rolls. Such notice shall contain the following information:

1. That he/she has secured the structure;
2. The cost incurred by the city thereby;
3. That signs have been posted as provided by this section;
4. The reasons the action has been taken;
5. That an appeal may be made within ten (10) days to the city council, as provided by Title I of this code;
6. That if his/her action is not annulled by the city council, the cost of securing the property shall become a lien upon the real property unless the cost is paid to the city within thirty (30) days of the mailing of the notice. After hearing all evidence and other relevant matters presented at said hearing, or without hearing, if no appeal is made upon the report of the building official, the city council may then confirm, amend, or annul the action of the building official. If the action of the building official is annulled, the city, at its own expense shall remove any and all signs stating that the building is unsafe to enter. If, however, the city council confirms the action of the building official in securing the structure, at the hearing of appeal, or if no appeal is taken at any other regular meeting or adjourned meetings, then the cost incurred by the city in securing the structure shall become a lien against the property and a resolution of the council confirming the action of the building official, including the imposition of a lien upon the property upon which the structure is located, to pay for the cost of securing it, may be adopted upon receipt of a report from the building official. Such resolution may be filed with the assessor of Alameda County, and the lien imposed thereby may be collected for the city by him/her, along with the next annual tax levy and assessment on said property.

- H. **Power of building official to abate immediately dangerous or hazardous nuisances.** The same procedure as provided for in subsection G for abating nuisances through securing from entry any structure which is determined by the building official to be immediately dangerous or immediately hazardous may also be used by the building official in connection with the summary abatement of all other public nuisances upon private property which the building official determines, at his/her discretion, to constitute an immediate dangerous or hazardous condition. The building official may then summarily abate such nuisance at his/her discretion in the most appropriate manner under the

circumstances, which may include, but shall not be limited to, the following methods: fencing, draining water from swimming pools, and filling with appropriate ballast, removing fire hazards, filling or covering open holes and grading or strengthening land fills or excavations. Although the manner and method used by the building official shall be at his/her discretion, he/she shall, in making his/her determinations, seek the most economical method and endeavor not to place an undue economical hardship upon the owner of the property, and only use those measures which will eliminate the dangerous and hazardous features. Notice of the action shall be sent to the record owner of the property affected as shown on the last equalized assessment rolls, and procedures for appeals, hearings establishing liens, collection of liens by the assessor, and other actions by the city council shall be the same as that provided in this section.

- I. **Discontinuation of utility services.** In the event the building official shall cause abatement of any condition therein, the building official is authorized to order discontinuance of any utility services or utility connection to the property upon which the structure is located.
  
- J. **Contracts, purchase orders, and bonds.** Whenever this code provides that the building official is authorized to cause a building, structure, or portion thereof which has been declared to be a public nuisance to be demolished, removed, reconstructed, rehabilitated, or repaired, or to abate any nuisance by appropriate action involving the construction, grading, filling, removal or demolition of any object, such building official is authorized to issue purchase orders or to enter into contracts on behalf of the city with private contractors in accordance with the procedures set forth in such ordinance or ordinances of the city governing the solicitation of bids for purchases and contracts, and such rules and regulations as have been or may be promulgated thereunder. Such contracts, if for amounts exceeding \$50,000, shall require that the contractor furnish bonds by one or more corporate sureties authorized to transact business in California:
  - 1. In the amount of the contract, conditioned upon the faithful performance thereof;
  - 2. In an amount equivalent to fifty (50) percent of the amount of the contract, securing payment to any and all subcontractors, and persons furnishing labor, materials, or equipment to the contractor or subcontractors. Such contracts shall be either for work regularly budgeted or for work for which the cost may be recovered by imposing a lien upon the land, and collected with real property taxes or assessments.
  
- K. **Permit fees.** If any owner or person in possession of real property applies for a permit to either demolish or rehabilitate any building or structure or portion thereof, after proceedings have been commenced to determine whether such building, structure, or portion thereof should be declared to be a public nuisance, the fee for such permit shall be increased over and above the amount otherwise due by an additional amount determined by the building official to cover all administrative costs incurred by the city on such proceedings up to that point. If the applicant for such permit is aggrieved by such determination, he/she may file an appeal to the city council by filing a Notice of Appeal with the city clerk within ten (10) days of such determination. For purposes of this subsection,

proceedings shall have been deemed to have been commenced when the building official shall have served written notice pursuant to *Subsection C* stating the defects of the building or structure and requiring the owner to commence repairs, improvements, demolition, or removal.

- L. **Violation an infraction.** Any person, firm or corporation violating or causing the violation of any of the provisions of this ordinance as specified in subsection A.1. shall be guilty of a misdemeanor, but may be charged with an infraction at the discretion of the enforcement officer, and upon conviction, shall be punishable by a fine as set forth in Fremont Municipal Code section 1-1301 as amended.
- M. **Each day a separate offense.** Each day during any portion of which any violation of this ordinance is committed or continued by such person, firm or corporation, shall constitute a separate offense and shall be punishable as herein provided.
- N. **Public Nuisance.** It is declared that any violation of this Chapter constitutes a public nuisance. In addition to any other remedies this code provides for enforcement, the city may bring civil suit to enjoin violation of its provisions.

Section 7: Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The city council of the City of Fremont hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 8: Effective date.

This ordinance shall take effect and be enforced on and after November 1, 2002. The City Clerk has caused to be published a summary thereof, prepared by the City Attorney under section 36933(c) of the Government Code, once, in *The Argus*, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont, at least five days before the date of adoption. A certified copy of the full text of the ordinance was posted in the office of the City Clerk

since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause to be again published in *The Argus* the summary of this ordinance with the names of those City Council members voting for and against the ordinance; and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

The foregoing was introduced after reading of the title and of the titles of the codes adopted thereby, before the City Council of the City of Fremont, County of Alameda, State of California, at the regular meeting of the City Council of such City, held on the 10<sup>th</sup> day of September, 2002 and finally adopted at a regular meeting of said Council held on the 24<sup>th</sup> day of September, 2002 by the following vote, to wit:

|            |   |
|------------|---|
| AYES:      | Mayor Morrison, Vice Mayor Zlatnik, Councilmembers Wasserman, Pease and Cho |
| NOES:      | None  |
| ABSTAINED: | None  |
| ABSENT:    | None  |

GUS MORRISON  
Mayor

|         |                      |
|---------|----------------------|
| ATTEST: | APPROVED AS TO FORM: |
|---------|----------------------|

RENEE ELLIOTT  
Deputy City Clerk

SCOTT M. RENNIE  
Senior Deputy City Attorney